

# **Legal Review of Granting of Building Utilization Rights (HGB) For 160 Years To Investors In The Capital City of The Nusantara Development (IKN)**

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## **ABSTRACT**

The purpose of this writing is to understand the policies issued by the Government of Indonesia through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) offering incentives for building use rights (HGB) for up to 80 years and even up to 160 years for investors in Mrs. Archipelago City (IKN). Laws and regulations regarding the term of building use rights have been regulated in law number 5 of 1960 concerning basic agrarian regulations, other laws and regulations which also regulate building use rights are in Government Regulation Number 18 of 2021 concerning management rights. , Land rights, apartment units and land registration, the HGB period according to this law is given for a maximum period of 30 years, extended for a maximum period of 20 years and renewed for a maximum of 30 years. The research method used in this paper is a type of normative research that analyzes the Granting of Building Use Rights (HGB) for 160 years to Investors for the Development of the Archipelago Capital City (IKN). This normative research emphasizes written documents such as laws and regulations, court decisions, legal theories and opinions of scholars. The granting of Building Use Rights to investors for the development of the Archipelago Capital City cannot be given at the same time, Extension and renewal of HGB for 160 years, but Building Use Rights for 30 (thirty) years are given then extended for 20 (twenty) years, and renewal is carried out for 30 (thirty) years after the expiry of the land with the Right to Build, it will return to become Land directly controlled by the State or Land with Management Rights.

**Keywords:** HGB period, Investors, IKN, National Capital.

## **1. INTRODUCTION**

Land law is the entirety of legal provisions, both written and unwritten, all of which have the same object of control, namely land tenure rights as legal institutions and as concrete legal relations with public and private aspects, which can be compiled and studied systematically until become a unit (Santoso & SH, 2017).

According to Effendi, the law of land is the whole of the legal regulations, both written and unwritten, that govern tenure rights over land, which are legal institutions and concrete legal relations.(Suhariono et al., 2022) The legal object of land is land tenure rights, while what is meant by land tenure rights are rights that contain a series of authorities, obligations and/or prohibitions for the holder of the right to do something about the land being claimed.(Hernoko et al., 2022) Something that is permissible, obligatory or prohibited to do, which is the content of tenure rights,

is the criterion or benchmark that differentiates between tenure rights over land regulated in land law (Arba, 2021).

The hierarchy of tenure rights to land in the national land law consists of the Indonesian people's rights to land, state control rights to land, customary law community customary rights, and individual rights to land.(Kusuma, 2020) Regarding the state's right to control land, it is regulated in the provisions of Article 33 paragraph (3) of the 1945 Constitution that " *Earth and water and the natural wealth contained therein are controlled by the state and used for the greatest prosperity of the people*".(Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, n.d.) The meaning of the word controlled does not mean to be owned but to give authority to the state as the power organization of the Indonesian nation to regulate and administer its allocation, use, supply and maintenance, determine and regulate rights that can be owned over land, water and space, and determine and regulate legal relations between persons and legal actions concerning earth, water, and space.(FAJRI, 2021)

Land rights are rights that give authority to the right holder to use and or take advantage of the land that is his right. The word use implies that land rights are for the benefit of constructing buildings, while the word take advantage implies that land rights are for the benefit of agriculture, fisheries, animal husbandry and plantations.(Santoso, 2005)

January 18, 2022, is a historic day for the Indonesian nation when the Bill on the State Capital (IKN) was passed into law by the Indonesian Parliament and the Government.(Ayundari, 2022) Thus, Indonesia will have IKN which replaced Jakarta. The relocation of the nation's capital city is a hot issue for the global community and the government. A number of problems became the basis for moving the capital city hastily.(Romadhona, Subagyono, et al., 2022) First, namely population density, especially in the area of Jakarta and the island of Java. Second, development gaps between regions are also a strong reason for relocating the National Capital.(Saputra et al., 2021) East Kalimantan, to be precise in Kutai kartanegara (Kukar) and North Penajam Paser (PPU) as the locations for moving the new capital city later. East Kalimantan itself, in the results of a study conducted by Bappenas, showed the results of an area delineation assessment of 180,965 hectares and a potential area of 85,885.83 hectares.(Saputra et al., 2021)

The basic considerations based on studies from the Ministry of National Development Planning/Bappenas in determining the location for relocating the national capital to East Kalimantan include:

- a. strategic location, geographically in the middle of Indonesia;
- b. available land owned by the government/BUMN Plantation to reduce investment costs;

- c. the land must be free from earthquakes, volcanoes, tsunamis, floods, erosion, as well as forest and peatland fires;
- d. Adequate water resources are available and free from environmental pollution; close to the existing city that has developed for the efficiency of the initial infrastructure investment, covering
  - 1) mobility/logistics access such as airports, seaports and roads;
  - 2) the availability of deep sea ports which are very important for realizing Indonesia as a maritime country through inter-island sea highway connectivity; and
  - 3) Adequate levels of drinking water, sanitation, electricity and communication network services to be developed;
  - 4) the potential for social conflict is low and has an open culture towards newcomers;
  - 5) meet the defense and security perimeter.

Bappenas in his study stated that the transfer of IKN would have a positive impact on the national economy with a predicted increase in GRDP of 0.1%. (Romadhona, 2022) Bappenas states that the increase in GRDP comes from the utilization of potential resources, such as land clearing for productive infrastructure needs and job opportunities for skilled human resources which have not been utilized so far. Bappenas specifically estimates that there will be an increase in labor wages for the surrounding area as reflected in an increase in the price of labor of 1.37%, the transfer of IKN is predicted to increase national economic growth with a controlled inflation rate. In aggregate, the welfare of the people in the new IKN locations will increase and have the potential to reduce economic inequality between Java Island and outside Java Island. (Aditua & Silalahi, 2019)

The development of the Archipelago's Capital City is not purely financed from the State Revenue and Expenditure Budget (APBN) but through other schemes, namely Public Private Partnership (PPP), Participation schemes for business entities whose capital is wholly or partly owned by the state including state-owned enterprises/pure private companies, Support schemes international funding/financing and other funding schemes (creative financing). (Undang-Undang Republik Indonesia Nomor 3 Tahun 2022 Tentang Ibu Kota Negara, Lampiran II Hal 123-124, n.d.)

Apart from going through the scheme mentioned above in order to maximize the sources of funding needed for the development and operation of IKN, sources of funding can come from the use of State Property (BMN), including through the following schemes:

- a. rent:

in the form of utilization of state property for a certain period of time in order to obtain compensation in the form of cash;

b. utilization cooperation:

the government can provide land for use, while the construction and operation of the building or facilities built will be carried out by the developer as a form of return on investment; as well as

c. build for handover/build for handover:

This scheme is almost the same as the procedures for utilization cooperation, with the transfer of assets carried out directly after construction (handover scheme), or at the end of the operating period (handover scheme). (Undang-Undang Republik Indonesia Nomor 3 Tahun 2022 Tentang Ibu Kota Negara, Lampiran II Hal 123-124, n.d.)

Financing schemes offered by the government with PPP schemes, pure private and international financing funding from investors require certainty of profitable investment guarantees. The continuity of its business activities will not stop in the middle of the road or the time needed is not long enough so that the investor does not get a profit.

The need for land for investors is absolutely necessary for development activities to be carried out in the provision of capital city infrastructure Archipelago. (Sunyowati et al., 2022) Provision of land for the development of IKN is carried out through a forest area release mechanism and a land acquisition mechanism. For the release of forest areas, what will be released are industrial plantation forests (HTI) in forest areas that have been converted into convertible production forests (HPK) so that they can be used for the construction of IKN, which the Ministry of Environment and Forestry has requested for its release. And for procurement through the land acquisition mechanism for development in the public interest. (Sunyowati et al., 2022)

Procurement through the land acquisition mechanism for development in the public interest is carried out after procurement through direct procurement has not reached an agreement, as stipulated in Presidential Regulation Number 65 of 2022 concerning Land Acquisition and Land Management in the Capital City of the Archipelago Article 10 reads as follows:

*Paragraph (1) In the context of efficiency and effectiveness, the acquisition of Land in the Archipelago Capital City can be carried out through direct Land Procurement as referred to in Article 4 paragraph (1) letter b by the Archipelago Capital City Authority with the entitled parties by means of buying and selling, grants, voluntary release, ruislag, or other agreed means.*

*Paragraph (2) In the event that no agreement is reached on direct land acquisition as referred to in paragraph (1), land acquisition in the Archipelago's Capital City uses the Land Procurement mechanism for development in the Public Interest.*

Land in the Archipelago Capital City obtained from Relinquishment of Forest Areas and/or Land Acquisition is designated as State Property (BMN) or/or Assets Under the Control of the Archipelago Capital Authority (ADP). (Peraturan Presiden Nomor 65 Tahun 2022 Tentang Perolehan Tanah Dan Pengelolaan Pertanahan Di Ibukota Nusantara, Pasal 11, n.d.) Land in the Archipelago Capital City that is designated as State Property is land that is related to the administration of government and is granted usufructuary rights to the Archipelago Capital City Authority and/or ministries/agencies (Khusus & Nusantara, 2022), whereas land in the Archipelago Capital City that is designated as ADP is granted Management Rights to the Archipelago Capital Authority (Khusus & Nusantara, 2022).

Based on laws and regulations in the field of land, management rights can only be owned by government legal entities that have main tasks and functions related to land management and from land management rights can be issued building use rights, usage rights, or property rights. (Santoso, n.d.)

Building use rights (HGB) are one of the objects of land registration so that the granting, transfer, as well as the imposition and elimination of building use rights must be registered. (SULISTIYONO, 2019) The Indonesian government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) offers licensing incentives for Building Use Rights (HGB) for up to 80 years and even up to 160 years for investors in the Archipelago Capital (IKN), Building Use Rights for 80 years This was done to make it easier for investors to invest in the National Capital City. The HGB for 80 years will be divided into three stages, namely the first stage for 30 years, the second stage for 30 years, and the third stage for 20 years so that the total is 80 years. The HGB for 80 years can be extended for another 80 years, so that it is 160 years. (Hidayat, 2022)

Based on what has been described in the background of the problem above, the problem to be studied in this paper is formulated that whether Building Use Rights can be granted immediately for 160 years as conveyed by the Indonesian government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/ BPN).

## **2. RESEARCH METHODS**

Legal research can be referred to as the process of finding a rule of law, legal principles, or legal doctrines in order to answer a legal issue at hand. (Muhammad Reza Murti, 2018) Legal research is different from other social science research because a social science research deals with what exists, in this case to examine the truth of facts, not what it should be. (Mertokusumo, 2014)



According to Sudikno Mertokusumo, legal research that examines rules or norms is called normative research.(Muhammad Reza Murti, 2018) Meanwhile, according to Peter Mahmud Marzuki, normative legal research is a process to find legal principles, legal rules, and legal doctrine in order to answer the legal issues at hand.(Diantha & SH, 2016)

Based on this, this study uses a normative research type that analyzes the Granting of Building Use Rights (HGB) for 160 years to Investors for the Development of the Archipelago Capital City (IKN)

Legal research generally has two types, namely the normative juridical type and the empirical juridical type. Regarding the type of normative juridical research, namely the type of research that refers to legal norms that exist in laws and regulations and court decisions as well as legal norms that exist in society. Whereas in the empirical juridical research type it is an approach by looking at a legal reality that exists in society.(Ali, 2021)

Therefore, it can be concluded that the type of research used in this article is normative juridical. The type of data used in this research is secondary data, which consists of:

a. Primary legal material

Primary legal material is legal material that is authoritative in nature, which means it has authority. Primary legal materials include statutory regulations, official records, or treatises on the making of laws and judges' decisions.(DJULAEKA & DEVI RAHAYU, 2020)

b. Secondary legal material

Secondary legal material is legal material supporting primary legal material in the form of publications about law, such as books, law journals, as well as opinions from legal scholars as well as comments relating to the legal issues discussed.(Muhammad Reza Murti, 2018)

The legal material collection technique uses data used through library research by collecting data that has been published in the form of books, journals, theses, theses, dissertations and other scientific works, as well as opinions from legal scholars.(Subagyono et al., 2022)

Analysis of legal materials is an elaboration of the process of utilizing data that has been collected and then used to solve research problems. The data obtained from the results of the research were identified and then analyzed qualitatively so as to produce a solution to the problem of the legal issues studied which were elaborated in a systematic, holistic and objective discussion.(Wiranti, 2021)

### **3. RESULTS AND DISCUSSION**

The capital city in the development of a country has a strategic position not only for the administration of government,(Romadhona, Kurniawan, et al., 2022) this is based on several

reasons which include: First, the capital city becomes the center for the formulation of various development policies which will not only determine the growth and development of the capital city. itself, but will also determine the pattern and direction of national development. Second, the capital city is used as an example to illustrate the success of a country's development and is used as a comparison measure of success for other regions. Third, in the context of international image, the capital city is considered a representation of a country, so that the good or bad condition of the capital city will reflect the international world's assessment of the country concerned.(Herdiana, 2020)

The capital city is usually also the center of government, business center and center of power and policy in a country. Although in practice in some countries, this is not always the case. For example in the United States where the capital is in Washington, but Washington is not a business center in that country but in New York. Likewise in Australia where the national capital is Canberra, while the business center is Melbourne.(Hadi & Ristawati, 2020)

Referring to the Big Indonesian Dictionary, the capital city is the city where the central government of a country is located, where the administrative elements are assembled, namely the executive, legislative and judiciary; The city is the seat of government.(Hadi & Ristawati, 2020) The concept of the capital city is not stated in detail in the laws and regulations, but in the provisions of Law Number 3 of 2022 concerning the State Capital it is stated that the State Capital is the Capital of the Unitary State of the Republic of Indonesia, further in Article 2 it is stated that the Capital of the Archipelago has a vision as a world city for all that is built and managed with the aim of: a. become a sustainable city in the world; b. as a driver of the Indonesian economy in the future; and c. become a symbol of national identity that represents the diversity of the Indonesian nation, based on Pancasila and the 1945 Constitution of the Republic of Indonesia.(Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara, n.d.)

The relocation of national capitals in several countries is of course based on prior studies so that several countries can move their national capitals with the concept of separating the center of government and the center of the economy.Deny Slamet Pribadi and Setiyo Utomo, 'Dampak Perpindahan Ibu Kota Negara Terhadap Pemulihan Ekonomi Dalam Perspektif Persaingan Usaha' (2021) 2 Jurnal Persaingan Usaha [27]. Relocating capital cities in various countries is a long-term policy that requires careful planning and a relatively long development process.(Herdiana, 2020)

One sector that requires careful planning is in the field of land acquisition for the development of the National Capital City, in this case President Joko Widodo signed Presidential Regulation (Perpres) Number 65 of 2022 concerning Land Acquisition and Land Management in the Archipelago Capital City (IKN) on 18 April 2022. In Article 2 Chapter II concerning Land

Acquisition in the Archipelago Capital City (IKN) it is stated that land acquisition in IKN is carried out by two mechanisms, namely the release of forest areas and land acquisition. The acquisition of land in IKN with land acquisition is carried out in two ways, namely: (Puspasari, 2022)

1. Direct Land Acquisition Article 10 states that in the context of efficiency and effectiveness, land acquisition at the IKN can be carried out through land acquisition directly by the IKN Authority with the entitled party by means of buying and selling, grants, voluntary releases, ruislag, or other means. agreed. Then, in the event that no agreement is reached on land acquisition directly, land acquisition in IKN uses the land acquisition mechanism for development in the public interest.
2. Land Procurement for public interest Land acquisition for public interest is conducted to support the preparation, development and transfer of IKN, as well as the administration of Special Regional Governments Capital Archipelago. Article 5 states that land acquisition for development in the public interest is carried out through four stages, namely, planning, preparation, implementation and delivery of results

As for the land rights mentioned in Article 4 paragraph (1) of the UUPA, (Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, n.d.) the types are described in Article 16 paragraph (1) and Article 53 of the UUPA. According to Article 16 paragraph (1) of the UUPA, the types of land rights are:

- a. Right of ownership;
- b. Cultivation Rights;
- c. Building rights;
- d. usage rights;
- e. Rent Rights For Buildings;
- f. Right to Open Land;
- g. Right to Collect Forest Products.
- h. Other rights that are not included in those rights on land that will be determined by Law, as well as rights that are temporary in nature as mentioned in Article 53.

Temporary land rights are stated in Article 53 of the UUPA, namely:

- a. Lien;
- b. Profit Sharing Business Right;
- c. Hitchhiking Right;
- d. Agricultural Land Lease Rights. (Santoso, 2011)

According to Sri Hajati, based on Article 16 paragraph (1) of the UUPA and Article 53 of the UUPA, various types of land rights are divided into 3 groups, namely:





1. Permanent land rights

The types of rights are property rights, business use rights, building use rights, use rights, rental rights for buildings, the right to open land, and the right to collect forest products.

2. Land rights to be determined by law.

There are no rights yet

3. Temporary land rights

Such rights are mortgage rights, business rights for revenue sharing, boarding rights, agricultural land rental rights.

One of the land rights mentioned in the BAL is the Building Use Right (HGB). In Article 35 paragraph (1) of the UUPA, the definition of Building Use Rights is given, namely the right to build and own buildings on land that is not their own, with a maximum period of 30 years. (Romadhona, Wati, et al., 2022) Building use rights originate from land that is not his own. Land that is not his own is land that originates from state land, management rights land, and property rights land. Building use rights are valid for a certain period of time, the term can be extended, and the rights can be renewed.

Arrangements for Building Use Rights in its development are regulated in Law Number 11 of 2020 concerning Job Creation, Articles Article 142, Article 185 letter b and Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flats Units, and Land Registration. Building use rights are regulated in Article 34 to Article 48 of Government Regulation Number 18 of 2021.

The definition of Building Use Rights is stated in Article 35 paragraph (1) of the UUPA, namely the right to build and own buildings on land that is not their own, with a maximum period of 30 years. The origin of the building use rights land is land that is not his own. Land that is not his own according to the BAL is state land and private land. Meanwhile, land that can be given Building Use Rights according to Government Regulation No. 18 of 2021 is State Land, Land with Management Rights and Land with Freehold.

Those who can have Building Use Rights according to UUPA and Government Regulation No. 18 of 2021, is:

- a. Indonesian citizens; and
- b. legal entity established according to Indonesia and domiciled in Indonesia.

The occurrence of Building Use Rights is regulated by Government Regulation No. 18 of 2021, explained as follows:

1. Right to use buildings on National Land

The right to use buildings on National Land is granted by the Minister's decision to grant the right

2. Building use rights over land Management rights

Building use rights over Land Management rights are granted with a decision to grant rights by the Minister based on the approval of the Management Right holder.

3. Right to use the building on the land with the right to own

The right to use a building over a private land occurs through the granting of a right by the holder of a property right with a valid deed made by the Land Deed Making Office.

The granting of building use rights must be registered at the Land Office. The right to build on State Land, on Management Right land, or on private land occurs when registered by the Land Office. Holders of building use rights are given a certificate of land rights as proof of title. (Peraturan Pemerintah No 18 Tahun 2021 Tentang Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah, Pasal 37 Ayat (3), n.d.)

The term of Building Use Rights based on the origin of the land, namely (UU-RI, 2021):

1. Right to use buildings on National Land

Building use rights over State Land are granted for a maximum period of 30 (thirty) years, extended for a maximum period of 20 (twenty) years, and renewed for a maximum period of 30 (thirty) years.

2. Building use rights over Land Management Rights are granted for a maximum period of 30 (thirty) years, extended for a maximum period of 20 (twenty) years, and renewed for a maximum period of 30 (thirty) years.

3. Building use rights over freehold land are granted for a maximum period of 30 (thirty) years and can be renewed by deed of granting building use rights over freehold rights.

The conditions that must be fulfilled by the holder of the Building Use Right for an extension of the period or renewal of the Building Use Right are stipulated in Article 40 of Government Regulation No. 18 of 2021, explained as follows:

1. Building Utilization Rights Above the State, the conditions that must be met are:

- a. the land is still being cultivated and utilized properly in accordance with the circumstances, nature and purpose of granting the rights;
- b. the conditions for the granting of rights are properly met by the rights holder;
- c. the right holder still meets the conditions as a right holder;
- d. the land is still in accordance with the spatial plan; and
- e. not used and/or planned for the public interest.

2. Building use rights over land management rights, the conditions that must be met are:

- a. the land is still being cultivated and utilized properly in accordance with the circumstances, nature and purpose of granting the rights;
- b. the conditions for the granting of rights are properly met by the rights holder;
- c. the right holder still meets the conditions as a right holder;
- d. the land is still in accordance with the spatial plan; and
- e. not used and/or planned for the public interest.

And get approval from the holder of Management Rights.

3. Right to use the building on the land with the right to own

Building use rights on land Property rights can be renewed by granting new building use rights with a deed drawn up by the Land Deed Official and these rights must be registered at the Land Office upon agreement between the building use rights holder and the property rights holder.

An application for an extension of the term of the right to use a building can be submitted after the land has been used and utilized in accordance with the purpose of granting the right or at the latest before the end of the term of the right to use the building. Application for renewal of building use rights shall be filed no later than 2 (two) years after the expiration of the building use rights period.(Peraturan Pemerintah No 18 Tahun 2021 Tentang Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah, Pasal 41 Ayat (2) Dan Ayat (2), n.d.)

In the event that the Building Use Right is built by an Flat on State Land, then the granting and Extension period can be carried out at the same time with an accumulative period of no longer than 50 (fifty) years after obtaining the Certificate of Proper Function or in the case of the Building Utilization Right the Flat Unit is built in over land with Management Rights, the period for Granting, Extension and Renewal can be carried out at the same time with an accumulative period of no longer than 80 (eighty) years after obtaining a Certificate of Worthy Function.(Permen Agraria Dan Tata Ruang/ Kepala Badan Pertanahan No 18 Tahun 2021 Tentang Tata Cara Penetapan Hak Pengelolaan Dan Hak Atas Tanah Pasal 87 Ayat 2, n.d.)

In the case of building use rights over land with management rights, a period of extension and renewal of rights can be granted if the land has been used and utilized in accordance with the purpose of granting rights, the extension or renewal of building use rights must be registered at the Land Office.

After the Building Use Rights for 30 (thirty) years are granted then extended for 20 (twenty) years, and the 30 (thirty) year renewal expires, the Building Use Rights land returns to become Land Directly Controlled by the State or Land with Management Rights.(Peraturan

Pemerintah No 18 Tahun 2021 Tentang Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah, Pasal 37 Ayat (3), n.d.)

Land that is Directly Controlled by the State after the Building Use Right expires, the re-arrangement of use, utilization and ownership becomes the authority of the Minister and priority can be given to former right-holders by taking into account:(Peraturan Pemerintah No 18 Tahun 2021 Tentang Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah, Pasal 37 Ayat (4), n.d.)

- a. the land is still being cultivated and utilized properly in accordance with the circumstances, nature and purpose of granting the rights;
- b. the conditions for the granting of rights are properly met by the rights holder;
- c. the right holder still meets the conditions as a right holder;
- d. the land is still in accordance with the spatial plan;
- e. not used and/or planned for public interest;
- f. natural resources and environment; and
- g. the condition of the land and surrounding communities.

#### **4. CONCLUSION**

Provision of land with Building Use Rights for investors for the development of the Archipelago Capital City, namely Building Use Rights on State Land and Building Use Rights on Management Rights. Building use rights are granted for a maximum period of 30 (thirty) years, extended for a maximum period of 20 (twenty) years, and renewed for a maximum period of 30 (thirty) years. Holders of building use rights on state land to extend the period or renewal of building use rights must meet the following requirements:

- a. the land is still being cultivated and utilized properly in accordance with the circumstances, nature and purpose of granting the rights;
- b. the conditions for the granting of rights are properly met by the rights holder;
- c. the right holder still meets the conditions as a right holder;
- d. the land is still in accordance with the spatial plan; and
- e. not used and/or planned for the public interest.

and for holders of building use rights over land with management rights, in order to extend the period or renewal of building use rights, apart from having to meet the requirements, such as holders of building use rights over state land, they must also obtain approval from the holder of management rights.

In the event that the Building Use Right is built by an Flat on State Land, then the granting and Extension period can be carried out at the same time with an accumulative period of no longer than 50 (fifty) years after obtaining the Certificate of Proper Function or in the case of the Building Utilization Right the Flat Unit is built in over land with Management Rights, the period for Granting, Extension and Renewal can be carried out at the same time with an accumulative period of no longer than 80 (eighty) years after obtaining a Certificate of Worthy Function.

After the building use rights for 30 (thirty) years are granted, then they are extended for 20 (twenty) years, and renewal for 30 (thirty) years after the expiration of the building use rights land returns to become land directly controlled by the state or land with management rights. .

Land that is Directly Controlled by the State after the Building Use Right expires, the re-arrangement of use, utilization and ownership becomes the authority of the Minister and priority can be given to former right-holders by taking into account:

- a. the land is still being cultivated and utilized properly in accordance with the circumstances, nature and purpose of granting the rights;
- b. the conditions for the granting of rights are properly met by the rights holder;
- c. the right holder still meets the conditions as a right holder;
- d. the land is still in accordance with the spatial plan;
- and. not used and/or planned for public interest;
- f. natural resources and environment; and
- g. the condition of the land and surrounding communities

So based on the description above, the granting of Building Use Rights to investors for the development of the Archipelago Capital City cannot be given at the same time, Extension and renewal of HGB for 160 years, but Building Use Rights for 30 (thirty) years are given then extended for 20 (twenty) ) year , and renewal for 30 (thirty) years after the expiration of the building use rights land returns to become land directly controlled by the state or land with management rights.

Land that is Directly Controlled by the State after the Building Use Rights expire, the re-arrangement of use, utilization and ownership becomes the authority of the Minister and priority can be given to former right-holders by taking into account the conditions stipulated in Article 37 paragraph (4) of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration.

## REFERENCES

Aditua, S., & Silalahi, F. (2019). *Dampak ekonomi dan risiko pemindahan ibu kota negara 19*.

- Ali, Z. (2021). *Metode penelitian hukum*. Sinar Grafika.
- Arba, M. (2021). *Hukum Agraria Indonesia*. Sinar Grafika.
- Ayundari. (2022). *Urgensi Pemindahan Ibu Kota Negara*. DJKN Kemenkeu.
- Diantha, I. M. P., & SH, M. S. (2016). *Metodologi penelitian hukum normatif dalam justifikasi teori hukum*. Prenada Media.
- DJULAEKA, S. H., & DEVI RAHAYU, S. H. (2020). *Buku Ajar: Metode Penelitian Hukum*. Scopindo Media Pustaka.
- FAJRI, M. (2021). *Implementasi Perpanjangan Dan Pembaharuan Hak Guna Bangunan Atas Tanah Negara Pada Kantor Pertanahan Kabupaten Tangerang* (p. 1). Sekolah Tinggi Pertanahan Nasional.
- Hadi, F., & Ristawati, R. (2020). Pemindahan Ibu Kota Indonesia dan Kekuasaan Presiden dalam Perspektif Konstitusi. *Jurnal Konstitusi*, 17(3), 530–557.
- Herdiana, D. (2020). Menemukanali Syarat Keberhasilan Pemindahan Ibu Kota Negara [Identifying Conditions for Successful Relocation of the Nation's Capital]. *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional*, 11(1), 1–18. <https://doi.org/10.22212/jp.v11i1.1382>
- Hernoko, A. Y., Agustin, E., Anand, G., Kurniawan, F., & Romadhona, M. K. (2022). Urgensi Pemahaman Perancangan Kontrak dalam Pengembangan dan Pengelolaan Obyek Wisata di Desa Kare, Kabupaten Madiun. *Jurnal Dedikasi Hukum*, 2(3), 231–244.
- Hidayat, A. A. N. (2022). *Tawarkan ke Investor HGB IKN 80 hingga 160 Tahun, BPN: Kita Akan Berikan Kemudahan*. Tempo Bisnis.
- Khusus, P. D., & Nusantara, K. (2022). *Hak Atas*. 1, 1–17.
- Kusuma, S. N. F. (2020). PROSES PEMBERIAN HAK GUNA BANGUNAN DIATAS TANAH HAK MILIK. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 18(2), 98.
- Mertokusumo, S. (2014). *Penemuan hukum: Sebuah pengantar* (Revisi). Cahya Atma Pustaka.
- Muhammad Reza Murti. (2018). *Analisis Hukum Terhadap Putusan Desa*. Universitas Hasanuddin.
- Peraturan Pemerintah No 18 tahun 2021 tentang tentang Hak Pengelolaan, Hak atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah, Pasal 37 ayat (3).
- Peraturan Pemerintah No 18 tahun 2021 tentang tentang Hak Pengelolaan, Hak atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah, Pasal 37 ayat (4).
- Peraturan Pemerintah No 18 tahun 2021 tentang tentang Hak Pengelolaan, Hak atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah, Pasal 41 ayat (2) dan ayat (2).
- Peraturan Presiden Nomor 65 tahun 2022 tentang Perolehan Tanah dan Pengelolaan Pertanahan di

- Ibukota Nusantara, Pasal 11.  
Permen Agraria dan Tata Ruang/ Kepala Badan Pertanahan No 18 Tahun 2021 tentang Tata Cara Penetapan Hak Pengelolaan dan Hak Atas Tanah Pasal 87 ayat 2.
- Pribadi, D. S., & Utomo, S. (2021). Dampak Perpindahan Ibu Kota Negara terhadap Pemulihan Ekonomi dalam Perspektif Persaingan Usaha. *Jurnal Persaingan Usaha*, 2, 27–42.
- Puspasari, H. (2022). *Jokowi Teken Perpres 65 / 2022 , Pengadaan Tanah Di IKN Bisa Lewat Jual-Beli Hingga Ruislag*. Nasional Kompas.
- Romadhona, M. K. (2022). Does the Pandemic Affect Unemployment Rate in East Java? (A Study of Pre and Post COVID-19 Pandemic in 2016 to 2021). *The Journal of Indonesia Sustainable Development Planning*, 3(2 SE-Policy Paper), 164–176. <https://doi.org/10.46456/jisdep.v3i2.308>
- Romadhona, M. K., Kurniawan, F., Sabrie, H. Y., & Agustin, E. (2022). Pengembangan Objek Wisata Potensial “Kampung Tenggher”: Tantangan dan Strategi. *Jurnal Dedikasi Hukum*, 2(1 SE-Articles), 38–50. <https://doi.org/10.22219/jdh.v2i1.20217>
- Romadhona, M. K., Subagyono, B. S. A., & Agustin, D. (2022). Examining Sustainability Dimension in Corporate Social Responsibility of ExxonMobil Cepu: An Overview of Socio-Cultural and Economic Aspects. *Journal of Social Development Studies*, 3(2), 130.
- Romadhona, M. K., Wati, I., Maulida, N. R., & Kinasih, S. E. (2022). Improving Digital Platform As Tourism Development: A Economic Beneficial For Umbul Ponggok Community, Klaten, Central Java. *Jurnal Pendidikan Sosiologi Undiksha*, 4(3), 102–114.
- Santoso, U. (n.d.). *Eksistensi hak pengelolaan dalam hukum tanah nasional*.
- Santoso, U. (2005). *Hukum agraria hak-hak atas tanah*. Kencana.
- Santoso, U. (2011). Hak Guna Bangunan Atas Hak Pengelolaan (Suatu Kajian Perolehan Hak dan Perpanjangan Jangka Waktu). *ADIL: Jurnal Hukum*, 2(3), 286–306.
- Santoso, U., & SH, M. H. (2017). *Hukum Agraria: Kajian Komprehensif*. Prenada Media.
- Saputra, S. D., Gabriel J, T., & Halkis, M. (2021). Analisis Strategi Pemindahan Ibu Kota Negara Indonesia Ditinjau Dari Perspektif Ekonomi Pertahanan (Studi Kasus Upaya Pemindahan Ibu Kota Negara dari DKI Jakarta Ke Kutai Kartanegara Dan Penajam Paser Utara) Strategy Analysis Relocation Of The Capital Cit. *Jurnal Ekonomi Pertahanan*, 7, 192.
- Subagyono, B. S. A., Chumaida, Z. V., & Romadhona, M. K. (2022). Enforcement of Consumer Rights Through Dispute Settlement Resolution Agency to Improve the Consumer Satisfaction Index In Indonesia. *Yuridika*, 37(3 SE-Civil Law), 673–696. <https://doi.org/10.20473/ydk.v37i3.34943>
- Suhariono, A., Romadhona, M. K., Yanuardi, M. I., & Nampira, M. Z. (2022). Sistem Publikasi Pendaftaran Tanah (Kajian Sistem Publikasi Negatif Bertendensi Positif). *Notaire*, 5(1), 17–30.
- Sulistiyono, S. (2019). Kepastian Hukum Hak Guna Bangunan Di Atas Hak Pengelolaan



Pemerintah Kabupaten Klaten. *Dinamika Hukum*, 10(2), 68.

Sunyawati, D., Indriani, M., Firdhausy, A., & Romadhona, M. K. (2022). Can Big Data Achieve Environmental Justice? *Indonesian Journal of International Law*, 19(3), 6.

Undang-undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara.

Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.

Undang-undang Republik Indonesia Nomor 3 tahun 2022 Tentang Ibu Kota Negara, Lampiran II hal 123-124.

UU-RI. (2021). Peraturan Pemerintah Republik Indonesi Nomor 18 Tahun 2021 Tentang Hak Pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah. *Lembaran Negara Republik Indonesia Tahun 2021 Nomor 28, 086597*, 1–99.

Wiranti, W. (2021). *Tinjauan Yuridis Perubahan Ketentuan Upah Pekerja Pada Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja*. Universitas Hasanuddin.