

Legal Analysis of Authority in Determining Land Ownership for Catholic Religious Institutions under Minister of ATR/Head of BPN Regulation No. 5 of 2025: Study on Government Authority and Responsibility in Legal Perspective

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ABSTRACT

Keywords: Authority to Determine Land Ownership, Religious Bodies of the Catholic Church, Regulation of the Minister of ATR/Head of BPN No. 5 of 2025, Legal Certainty, Land Registration.

This study analyzes the authority to determine land ownership rights for the Religious Body of the Catholic Church in Indonesia based on the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights, by using normative juridical law research methods. This study examines legal provisions and procedures related to the delegation of authority in determining land rights and land registration activities. The findings show that the Religious Body of the Catholic Church in Indonesia has the authority to own land titles by fulfilling the specified requirements and procedures. The Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 has significant juridical implications for the religious bodies of the Catholic Church in Indonesia, namely by providing legal certainty and convenience for the Catholic Church Agency in obtaining land ownership rights through the authority of the Head of the Regional Office and the recommendation of the Land Office. In addition, the government is responsible for protecting and implementing land registration for Catholic Religious Legal Entities that possess validity or legality based on existing laws and regulations. This research contributes to the understanding of the legal framework for determining land ownership for religious entities in Indonesia and its implications for religious activities and community services.

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INTRODUCTION

Soil is one of the most important aspects of human life, because humans live, grow, and develop due to the existence of soil that supports various aspects of life, including social, economic, religious, and political aspects (Rahman et al., 2024: 124). Therefore, the determination of ownership of land rights is very important to support all human activities, both for individuals and legal entities.

Based on the provisions of the *Undang-Undang Pokok Agraria* (UUPA) Articles 2, 4, and 16, the determination of ownership of land rights for individuals or legal entities must be

supported by clear and structured legal certainty (Faruq & Hariri, 2023; Kalyana & Budidarmo, 2025; Miptahuddin, 2024; Mustaqim, Wijaya, & Fitria, 2025; Sudiarto, 2021). This means that the ownership of land rights must be properly managed and administered by a person or legal entity who is an Indonesian citizen, taking into account applicable legal principles.

According to Erwandi et al. (2023: 182), the determination of ownership and control of land rights for individuals and legal entities has significant legal consequences. The state is obliged to ensure legal certainty of land rights ownership, including for Indonesian religious legal entities, to ensure that land rights can be used effectively and efficiently. The certainty of land rights motivates the community to be more active in cultivating and utilizing land optimally. This has a positive impact on improving the community's economy, since well-managed land can generate higher economic and social value, thereby improving the overall standard of living (Sapardiyono, 2021: 43, 63).

Article 14 paragraph (1) of the *Undang-Undang Pokok Agraria* stipulates that the government has a responsibility to manage natural resources wisely, while paying attention to community needs. The government must prepare a general plan concerning the provision, designation, and use of the earth, water, and space and the natural resources contained therein, including for purposes of worship and other sacred needs, in accordance with the principle of the *Ketuhanan Yang Maha Esa* (One Godhead). Article 22 of the *Undang-Undang Pokok Agraria* stipulates that the occurrence of property rights based on customary law is regulated by Government Regulations, and such property rights can also arise from government determination, in accordance with procedures and conditions stipulated by law. This shows that the government has an important role in regulating land ownership (Alden Wily, 2018; Hariyanto, Azizah, & Nurhidayatulloh, 2024). Furthermore, Article 49 of the *Undang-Undang Pokok Agraria* provides that matters relating to worship and other sacred purposes shall receive due consideration, as regulated in Article 5 and Article 14 paragraph (1) letter b. This demonstrates the government's commitment to protecting religious rights and sacred objectives. Therefore, the granting of land ownership rights for religious entities is carried out by the government itself.

Government Regulation of the Republic of Indonesia Number 38 of 1963 concerning the Appointment of Legal Entities Eligible for Land Ownership Rights, Article 1 letter c, determines that religious bodies may be appointed by the Minister of Agriculture/Agrarian Affairs after consultation with the Minister of Religion, in order to possess land ownership rights. Article 4 further states that religious and social bodies may own land used for purposes directly related to religious or social activities. Government Regulation Number 18 of 2021 concerning Land Management Rights, Article 5, affirms that religious and/or social legal entities appointed under Government Regulation Number 38 of 1963 may own land of up to 50,000 square meters. This provision demonstrates that the government regulates not only the authority but also the size of land that may be owned by religious and/or social legal entities. Accordingly, religious institutions may obtain ownership rights to land under Government Regulation Number 38 of 1963 in conjunction with Government Regulation Number 18 of 2021 for religious purposes.

According to H. Abdul Hamid Usman (2019: 38), the government has granted land ownership rights to religious institutions as a form of legal certainty and protection. Since 1967, several religious bodies have been appointed to acquire ownership rights through Decrees

(*Surat Keputusan*) issued by the Directorate General of Agrarian Affairs and Transmigration and the Minister of Home Affairs (Akib, 2016; Krassov, 2022; Mohsin, 2015; Pandapotan, 2021). The religious institutions that have been appointed include the Roman Catholic Church, the Protestant Church in Indonesia, and the Muhammadiyah Organization. The Roman Catholic Church, in particular, may obtain land ownership under the Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/Pnj/KEM-ATR/BPN/VI/2024 (Suhartoyo, 2025). This regulation updates procedures for application of Property Rights by religious bodies, providing greater legal certainty and benefits for religious institutions by establishing clearer criteria for eligible legal entities.

The process of determining land ownership for the Roman Catholic Church in Indonesia often faces complex challenges, including bureaucratic obstacles and lack of clarity in regulation (Suhaiela Bahfein & Hilda B. Alexander, *Kompas*, 24/01/2023). According to Krisyando Kelmaskosu (2024: 12), Indonesian land law applies the principle of *nemo plus juris* (social negativity) to protect legitimate landowners. In addition, land law also establishes state-based authority for determining the rights of individuals and entities over land, including authorization for granting ownership rights to religious institutions. Thus, it is essential to understand the legal framework governing the determination of land ownership rights for religious bodies, to ensure an effective process consistent with legal provisions (Sutaryono et al., 2021: 143).

The determination of land ownership provides legal certainty in controlling and utilizing land, ensuring its use in accordance with designated purposes, including religious activities (Sutaryono et al., 2021: 143). Therefore, the authority to determine land ownership rights for religious institutions is embodied in applicable law, particularly the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025.

The authority to determine land ownership rights of religious entities has significant implications for both religious and social activities. Accordingly, this study seeks to analyze such authority under the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 (Dewi & Juwono, 2025; Jahani Chehrehbargh, Rajabifard, Atazadeh, & Steudler, 2024; Shahrullah, Situmeang, & Hudayani, 2023). Its focus includes the provisions and procedures applicable to religious entities, particularly the Roman Catholic Church in Indonesia, in acquiring ownership rights, as well as the role of the Minister of ATR/Head of BPN in determining such rights. This is closely related to legal remedies available in the context of the state's constitutional role to religious legal entities (Kurnia Warman, Z. Nurdin, H. Andora, B. K. Divine, &c., 2019: 15). Indiraswasti Gama Bhakti (2025: 64-65) emphasizes that legal principles serve as a crucial foundation for the formulation of laws and regulations, as well as their implementation and enforcement by authorized agencies.

Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 sets forth provisions and procedures that religious entities must fulfill in order to obtain ownership rights over land, including requirements relating to their legal entity status and the purpose of such land for religious activities. The Minister of ATR/Head of BPN plays a key role in ensuring that ownership rights for religious institutions are determined fairly and transparently. Justice must be prioritized in granting land ownership rights for the Roman Catholic Church in Indonesia. This analysis provides a deeper understanding of the authority to assign land titles to religious

entities and its implications for religious and social activities, as well as raising awareness of the importance of justice in the process.

Although previous studies have addressed legal certainty in Indonesian land rights, most remain general and do not address the unique complexities faced by religious institutions. For example, Erwandi et al. (2023) stressed the state's duty to guarantee legal certainty of land rights for individuals and legal entities, yet did not fully examine the specific administrative difficulties religious institutions may encounter. Likewise, Sutaryono et al. (2021) noted that legal certainty supports optimal land utilization, including for religious use, but their findings did not detail the distinct application of regulations to religious bodies such as the Roman Catholic Church.

This study therefore seeks to analyze the authority of the Minister of ATR/Head of BPN under Regulation No. 5 of 2025, with particular emphasis on the procedures, requirements, and implications of granting land ownership rights to religious entities. The contribution of this study lies in strengthening legal certainty for religious bodies, providing practical guidance for policymakers, and ensuring that land ownership regulations support religious and social functions in harmony with Indonesia's national legal principles.

RESEARCH METHOD

This study employed a normative juridical legal research methodology to analyze the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 5 of 2025. This approach was chosen to examine legal provisions and procedures related to the delegation of authority in determining land rights and conducting land registration.

Data analysis was carried out using descriptive, content, and comparative methods. The descriptive method was used to outline the relevant provisions and procedures. Content analysis was applied to examine in depth the substance of Regulation Number 5 of 2025. The comparative method was used to assess legal provisions and procedures before and after the enactment of the regulation.

The research sources consisted of laws and regulations, journals, books, and other relevant legal references, including the *Undang-Undang Pokok Agraria* and its implementing regulations. These materials were analyzed to evaluate the provisions and procedures governing the delegation of authority in determining land rights and land registration, as well as to assess the implications of regulatory changes for land management practices in Indonesia.

RESULTS AND DISCUSSION

Juridical Analysis of the Authority to Determine Land Ownership for Religious Bodies of the Catholic Church in Indonesia in the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025

Authority to Determine Land Title for Religious Bodies of the Catholic Church

Article 19 of the Basic Agrarian Law Number 5 of 1960 states that the government organizes land registration throughout the territory of the Republic of Indonesia to ensure legal certainty, with provisions that are further regulated through Government Regulations, especially for religious legal entities, especially Catholic religious legal entities.

The Religious Legal Entity of the Catholic Church in Indonesia has a clear legal position based on the Staatsblad 1927-156 and the Decree of the Director General of Catholic Community Guidance of the Ministry of Religion of the Republic of Indonesia Number 23 of 2024. Based on this decree, the legal bodies of the Catholic Church in Indonesia, which include the Indonesian Bishops' Conference (KWI), Archdioceses, Dioceses, Prefectures, Parishes, Stations, Seminaries/Colleges of Philosophy and Theology, Orders and Congregations, Monks-Nuns/Sacred Life Orders/KOPTARI, and Bodies or Foundations are Catholic religious legal entities recognized by the state.

In carrying out religious and social activities, the Religious Legal Entity of the Catholic Church in Indonesia has ownership of land based on Law Number 5 of 1960 concerning the Principal Agrarian Law and Government Regulation Number 38 of 1963 concerning the Appointment of Legal Entities That Can Have Ownership of Land. In addition, the Regulation of the Minister of Religion of the Republic of Indonesia Number 6 of 2023 concerning Procedures for Recommending Land Ownership for Religious Entities is also an important legal basis.

The state's recognition of the legal entities of the Catholic Church as religious legal entities, they have the legitimacy and legal certainty to own land rights and carry out religious and social activities. For this reason, the Legal Entity of the Catholic Church in Indonesia has a clear legal position recognized by the state, and has ownership rights to land based on applicable regulations.

The authority of the Religious Legal Entity of the Catholic Church in Indonesia to own land ownership rights is granted by the state through several laws and regulations, namely:

- 1) Law Number 5 of 1960 concerning the Basic Agrarian Law
- 2) Government Regulation Number 38 of 1963 concerning the Appointment of Legal Entities That Can Have Ownership of Land
- 3) Regulation of the Minister of Religion of the Republic of Indonesia Number 6 of 2023 concerning Procedures for Providing Recommendations for Land Ownership for Religious Entities
- 4) Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia number 21/Pnj/Kem-ATR/BPN/VI/2024.

This authority is given by the authorized government institutions in Indonesia.

The Religious Legal Entity of the Catholic Church in Indonesia has legal authority based on applicable provisions so that the ownership and management of land is based on Law Number 5 of 1960, Government Regulation Number 38 of 1963, and Regulation of the Minister of Religion of the Republic of Indonesia Number 6 of 2023, as well as ensured by the Decree of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia number 21/Pnj/Kem-ATR/BPN/VI/2024. Thus, the Catholic Church has a strong legal basis for carrying out its religious and social activities.

Legal Aspects in the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025

Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights is a regulation that regulates the procedures for determining land ownership rights for religious entities, especially for the Religious Bodies of the Catholic Church. In this regulation, article 1 explains several

definitions that need to be understood, such as Land Rights which are rights obtained from the legal relationship between rights holders and land, including space above land and/or space underground.

Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025, Article 2 explains that the delegation of authority of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency can delegate part of its authority to the Head of the Regional Office or the Head of the Land Office through delegation or subdelegation. This delegation of authority can be carried out based on indicators such as geographical conditions and population density, social conditions of the community, the area of land plots and the number of services, land values, and potential risks of disputes or conflicts. These indicators are the basis for the classification of regional categories in the context of delegating the authority to determine business use rights, building use rights, and use rights for legal entities.

Based on the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025, Article 4, the Minister has the authority to determine land rights, including providing recommendations for the determination of land rights again. This authority can be delegated in part to the Head of the Regional Office or the Head of the Land Office through delegation of authority. However, the Minister still has the authority to make decisions on the determination of land rights that are not delegated to the Head of the Regional Office or the Head of the Land Office.

Article 5 of this Ministerial Regulation further explains that the Head of the Regional Office has the authority to determine decisions regarding ownership of agricultural land for individuals with an area of more than 50,000 m², but not exceeding the maximum limit of agricultural land ownership by individuals. In addition, the Head of the Regional Office is also authorized to determine decisions regarding property rights for religious entities and/or social law entities that have been appointed under Government Regulation Number 38 of 1963, including Roman Catholic religious bodies in Indonesia. Meanwhile, Article 10 of this Ministerial Regulation stipulates that the Head of the Land Office has the authority to determine decisions regarding ownership of agricultural land for an individual with an area of not more than 50,000 m². Thus, there is a clear division of authority between the Minister, the Head of the Regional Office, and the Head of the Land Office in the process of determining land rights.

In order to implement the delegation of authority, the Head of the Land Office is given the authority to issue land acquisition permits with property title status for designated bodies, including state banks, agricultural cooperatives, religious bodies, and social legal entities. Especially for Roman Catholic Religious Bodies in Indonesia, the Head of the Land Office is responsible for granting permission to acquire land rights after conducting a careful examination of the applications submitted. Furthermore, in accordance with Article 14, the Land Office emphasizes that the survey, measurement, and mapping of land as well as the measurement space of land plots sporadically are the responsibility of the Head of the Land Office. However, for land plots with an area of more than 25 hectares, the measurement authority can be delegated to the Regional Office or the Ministry.

Article 15 of this Ministerial Regulation regulates the signing of important documents, namely Land Plot Maps, Spatial Maps, and Survey Letters. These documents must be signed

by an authorized official according to their level. If the documents are issued by the Ministry, they must be signed by the Director responsible for measurement and mapping. Meanwhile, if the documents are issued by the Regional Office, they must be signed by the Head of the Division responsible for the field of surveying and mapping.

Article 21 of this Ministerial Regulation also regulates sanctions for recipients of delegation of authority who do not carry out their obligations in accordance with the Ministerial Regulation. If the recipient of the delegation of authority deliberately does not carry out his obligations, he will be subject to sanctions in the form of disciplinary punishment in accordance with the provisions of laws and regulations.

In this context, the Land Office plays an important role in the process of determining land ownership for Roman Catholic religious bodies in Indonesia. The Land Office gives permission or recommendation to the Regional Office to issue a Decree on Land Title requested by these religious bodies. Thus, the process of determining land ownership can be carried out effectively and in accordance with applicable laws and regulations.

The Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights for Religious Bodies of the Catholic Church has regulated in detail the procedures for determining land ownership rights for religious bodies, including the authority of the Minister, the Head of the Regional Office, and the Head of the Land Office in the process of determining land ownership.

The Head of the Regional Office is authorized to determine decisions regarding property rights for Religious Entities and/or social legal entities that have been appointed under Government Regulation Number 38 of 1963, including the Catholic Church Body. This Ministerial Regulation provides legal certainty and convenience for the Catholic Church in acquiring ownership of land, so that it can support religious activities and community services.

The Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights has regulated in detail the procedures for determining land ownership rights for religious bodies, including the Catholic Church Body. Under this regulation, the Catholic Church can have ownership of the land by meeting the specified requirements and procedures. The authority to determine land title for the Catholic Church can be delegated to the Head of the Regional Office or the Head of the Land Office, depending on the area of the land and the type of rights to be determined. The Head of the Regional Office is authorized to determine decisions regarding property rights for Religious Entities and/or social legal entities that have been appointed based on Government Regulation Number 38 of 1963. This Ministerial Regulation provides legal certainty and assists the Catholic Church in obtaining ownership of land, so that it can support religious activities and community services.

The Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights has regulated in detail and comprehensively the procedures for determining land ownership rights for religious bodies, including the Catholic Church Body. This regulation provides legal certainty and convenience for the Catholic Church in acquiring land ownership, so that it can support religious activities and community services.

We can see in this regulation, there is a clear division of authority between the Minister, the Head of the Regional Office, and the Head of the Land Office in the process of determining

land rights. The Head of the Regional Office is authorized to determine decisions regarding property rights for Religious Entities and/or social legal entities that have been appointed under Government Regulation Number 38 of 1963, including the Catholic Church Body.

Thus, the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights is an important and strategic regulation in supporting religious activities and community services. This regulation provides legal certainty and convenience for the Catholic Church in acquiring land titles, so as to increase the effectiveness and efficiency in the process of determining land rights.

Juridical Implications of the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 for the Religious Body of the Catholic Church

Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency (ATR/BPN) No. 5 of 2025 concerning the Transfer of Authority for the Determination of Land Rights and Land Registration Activities has significant juridical implications for the religious bodies of the Catholic Church in Indonesia. Based on Article 5 paragraph (1) letter c of this Ministerial Regulation, the Head of the Regional Office is authorized to determine decisions regarding property rights for religious entities and/or social law entities that have been appointed based on Government Regulation Number 38 of 1963.

With the existence of the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025, religious bodies of the Catholic Church can have ownership of land by fulfilling the specified requirements and procedures. Article 10 paragraph (2) of this Ministerial Regulation also states that the Head of the Land Office is authorized to issue land acquisition permits with the status of property rights for religious entities and social legal entities that have been appointed to have ownership rights over land.

In the process of determining ownership of land, the religious body of the Catholic Church must meet the requirements specified in these regulations, including administrative and technical requirements. Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 Article 14 paragraph (1) of this Ministerial Regulation states that sporadic measurement of land plots is the responsibility of the Head of the Land Office.

This regulation also makes it easier for the religious bodies of the Catholic Church to manage land used for religious activities, such as the construction of churches, schools, or hospitals. In addition, this regulation also provides legal certainty for religious bodies of the Catholic Church in owning and managing land, so that it can increase trust and security in owning land assets.

This regulation also determines the limit on the area of land that can be owned by the religious body of the Catholic Church, which is up to 50,000 m² for property rights, as stated in the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 Article 5 paragraph (1) letter c and Article 10 paragraph (1) letter a of this Ministerial Regulation. The religious body of the Catholic Church must follow the filing procedure specified in this regulation to acquire land rights.

In the event of a violation or abuse of authority, the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025 Article 21 paragraph (2) of this Ministerial Regulation states that the recipient of the delegation of authority deliberately does not carry out his obligations,

subject to sanctions in the form of disciplinary punishment in accordance with the provisions of laws and regulations.

Therefore, the Regulation of the Minister of ATR/BPN No. 5 of 2025 can assist the religious bodies of the Catholic Church in obtaining land rights more efficiently and effectively, as well as providing legal certainty and ease in managing land for religious activities.

Therefore, the Religious Legal Entity of the Catholic Church in Indonesia has a clear legal position and is recognized by the state. The Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights has regulated in detail the procedures for determining land ownership rights for religious bodies, including the Catholic Church Body. For this reason, the Catholic Church Agency can have ownership of land by fulfilling the requirements and procedures specified in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025.

Challenges and Opportunities in the Implementation of the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025

The Roman Catholic Church in Indonesia is required to follow the regulations on land registration and the determination of property rights in accordance with the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025. This process aims to provide legal certainty and protection for land used for religious activities. Thus, the Roman Catholic Church in Indonesia can obtain ownership rights to land used for religious activities, so as to increase legal certainty and protection of the land. The Head of the Regional Office is also authorized to determine decisions regarding property rights for religious entities and/or social legal entities that have been appointed under Government Regulation Number 38 of 1963, including Roman Catholic religious bodies in Indonesia article 5 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025

1) Land Registration Steps

To obtain ownership of land, the Roman Catholic Church in Indonesia must take several steps, namely:

Land registration and determination of property rights for Roman Catholic Religious Bodies in Indonesia can be done by following the steps that have been determined. First, the Roman Catholic Religious Body in Indonesia must submit an application for a rights permit to the Land Office by attaching required documents such as a statement of non-management dispute, a certificate of domicile of the Religious Body, and other required documents (Article 4 of the Regulation of the Minister of Religion Number 6 of 2023).

After that, the Roman Catholic Religious Body in Indonesia must carry out land registration by completing all the necessary documents in accordance with applicable regulations, including collection, processing, bookkeeping, and presentation and maintenance of physical data and land juridical data (Article 1 number 9 of the PP on Land Registration, Right to Management-Rights to Land Flats-Land Registration 2021).

Furthermore, the Roman Catholic Religious Body in Indonesia must submit an application for the determination of ownership to the local Regional Office through the

Land Office, after the recommendation of ownership of the land is issued by the Minister of Religion (Articles 8 and 9 of the Regulation of the Minister of Religion Number 6 of 2023).

After the application for the determination of title is approved, the Roman Catholic Religious Body in Indonesia can request a recommendation for a transfer of rights application to the land office to process the transfer of land rights that have been owned. Thus, the Roman Catholic Religious Body in Indonesia can obtain ownership rights to land used for religious activities and has clear legal certainty.

2) Government Responsibilities

Land registration and determination of property rights for Roman Catholic Religious Bodies in Indonesia can be done by following the steps that have been determined. First, the Roman Catholic Religious Body in Indonesia must submit an application for obtaining a rights permit to the Land Office by attaching the required documents such as a statement of non-management dispute, a certificate of domicile of the Religious Body, and other required documents.

Government authority is the right and authority granted by the state based on the constitution and applicable laws and regulations. After that, the Roman Catholic Religious Body in Indonesia must carry out land registration by completing all necessary documents in accordance with applicable regulations, including collection, processing, bookkeeping, and presentation and maintenance of physical data and juridical land data. Furthermore, the Roman Catholic Religious Body in Indonesia must submit an application for the determination of title to the local Regional Office through the Land Office, after the recommendation of title to the land is issued by the Minister of Religion.

In the process of determining land ownership, the government is responsible for protecting and implementing land registration for Catholic Religious Legal Entities that already have validity or legality based on existing laws and regulations. This process is carried out effectively with the principles of good governance, transparency, participation, and quality.

The Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights has regulated in detail the procedures for determining land ownership rights for religious bodies, including the Catholic Church Body. Under this regulation, the Catholic Church can have ownership of the land by meeting the specified requirements and procedures.

The Head of the Regional Office is authorized to determine decisions regarding property rights for Religious Entities and/or social legal entities that have been appointed under Government Regulation Number 38 of 1963, including the Catholic Church Body. This Ministerial Regulation provides legal certainty and convenience for the Catholic Church in acquiring ownership of land, so that it can support religious activities and community services.

Roman Catholic religious bodies in Indonesia can acquire ownership of land used for religious activities and have clear legal certainty. The government can also show its commitment to protect and implement land registration for Catholic Religious Legal Entities that already have validity or legality based on existing laws and regulations.

In the implementation of land registration, the government must ensure that the process is carried out in a transparent and accountable manner, so that Roman Catholic religious bodies in Indonesia can obtain clear and accurate information about the land registration process. In

addition, the government must also ensure that land registration services meet high quality standards, so that people can obtain land ownership easily and quickly. The relationship between government authority and responsibility is two sides of a complementary currency: the authority provides a basis for the government to act, while the responsibility of ensuring that these actions remain within the legal, ethical, and public interest corridors in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 5 of 2025 concerning the Determination of Land Rights is an important and strategic regulation in supporting activities religious and community service. This regulation provides legal certainty and convenience for the Catholic Church in acquiring land titles, so as to increase the effectiveness and efficiency in the process of determining land rights. In accordance with the law, ethics and public interest related to religious activities.

CONCLUSION

The study concluded that the authority to determine land ownership rights for Catholic religious bodies in Indonesia was granted by the state through various legal instruments, including the *Undang-Undang Pokok Agraria* (Law No. 5 of 1960), Government Regulation No. 38 of 1963, Regulation of the Minister of Religion No. 6 of 2023, Decree of the Minister of ATR/BPN No. 21/Pnj/Kem-ATR/BPN/VI/2024, and most recently, the Regulation of the Minister of ATR/Head of BPN No. 5 of 2025. This ministerial regulation provided detailed procedures for obtaining land rights, clarified the role of the Regional Land Office in granting decisions, and established cooperation mechanisms between the land office and Catholic religious legal entities, thereby ensuring legal certainty and administrative convenience for the Catholic Church in acquiring land ownership. Future research could focus on evaluating the practical challenges faced by Catholic religious bodies in navigating these procedures, particularly in relation to bureaucratic efficiency, consistency of implementation across regions, and the comparative treatment of different religious institutions in land ownership processes.

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