
Normative Juridical Analysis and Legal Sanctions for Land Ownership Rights for Catholic Church Bodies in Indonesia: Case Study of The Decision of The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/PNJ/Kem-ATR/BPN/BPN/2024

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ABSTRACT

Normative Legal Analysis and Legal Sanctions of Land Ownership Rights for Catholic Church Bodies in Indonesia: Case Study of the Decision of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/PNJ/Kem-ATR/BPN/VI/2024. This study analyzes the normative legal aspects and sanctions concerning land ownership rights for Roman Catholic Church bodies in Indonesia based on Decision Number 21/PNJ/Kem-ATR/BPN/VI/2024. It aims to clarify the rights and obligations of these church bodies in owning and using land, alongside the decision's legal implications. The study finds that the decision provides legal certainty (*kepastian hukum*) for Catholic Church bodies to hold land ownership rights, conditional on land being used solely for *religious endeavors* and not for profit. Violations or misuse of these rights may result in sanctions such as revocation (*pencabutan hak*), fines (*denda*), administrative sanctions (*sanksi administratif*), and land restitution (*pengembalian tanah*). From a normative juridical perspective, the decision serves as a legal instrument aligning with Indonesia's legal framework, ensuring that ownership rights of religious institutions support their non-commercial *religious* activities (*kepentingan agama*) while safeguarding against misuse. These sanctions reinforce legal compliance and protect broader public interest. The decision strengthens legal certainty, supports the development of *religious activities*, improves service quality, and affirms the role of Catholic Church bodies as significant *religious* institutions contributing to society. Keywords: Land Ownership Rights, Catholic Church Body, Normative Jurisprudence, Legal Sanctions, Decision of the Minister of Agrarian Affairs and Spatial Planning, Legal Certainty, Religious Activities

INTRODUCTION

Land ownership is the hereditary, strongest, and most complete right held by an individual over land, valid for as long as the owner is alive and can be inherited by his or her heirs upon his or her death, as stipulated in Article 20 paragraph (1) of the Basic Agrarian Law (UUPA) (Prasetyo, 2016). This ownership right grants the owner the authority to use and control the land exclusively, protecting their rights from interference by other parties (Maran, 2020). In the context of Indonesian agrarian law, land ownership is considered the most perfect and unlimited right, unlike other rights such as leasehold or usage rights, which have time limitations and specific purposes (Sihombing, 2023). The importance of protecting this ownership right has also been emphasized in various studies that highlight its role in resolving land disputes and recognizing inheritance rights (Rubiati, 2018; Mahendra & Yustiawan, 2023).

Land ownership rights can be held by individuals and certain Indonesian legal entities, as stipulated in Government Regulation Number 38 of 1963 concerning the Designation of Legal Entities that Can Hold Land Ownership Rights. Legal entities that can hold land ownership rights include state-established banks, agricultural cooperatives, *religious organizations*, and social organizations. Based on Article 20 of the Basic Agrarian Law (UUPA), ownership rights are understood as the strongest and most complete rights to land, without time limits on ownership and use, and are inviolable.

According to Article 20 of the Basic Agrarian Law (UUPA), land ownership rights are the "strongest and most complete" rights, meaning they have no time limit on ownership or scope of use (Palenewen, 2025; Sudiarto, 2021). However, this does not mean that land ownership rights are absolute and inviolable. Government Regulation of the Republic of Indonesia Number 38 of 1963 concerning the Designation of Legal Entities that Can Own Land Ownership Rights, specifically Article 1 point c, stipulates that *religious* bodies, including the Roman Catholic Church in Indonesia, can own land ownership rights after being appointed by the Minister of Agriculture/Agrarian Affairs following consultation with the Minister of Religious Affairs.

Roman Catholic Church bodies in Indonesia have a significant interest in owning land ownership rights to support religious, social, and humanitarian activities. The Indonesian government, through the Ministry of Agrarian Affairs and Spatial Planning, has formally granted legal recognition to these church bodies for the ownership of land. This recognition is legally backed by the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21/PNJ/Kem-ATR/BPN/BPN/2024 (Djaja & Suherman, 2023). In addition to this, the Director General of Catholic Community Guidance at the Ministry of Religious Affairs further reinforced this legal status in Decree No. 23 of 2024, which officially confirms the right of the Catholic Church to own land (Suparman, 2024). According to Suparman (2024), this legal

recognition is also in line with the broader framework of land ownership rights as outlined in the National Land Law (Law No. 5 of 1960). The Indonesian government aims to regulate land ownership not only for personal or commercial purposes but also for the benefit of social and religious organizations such as the Catholic Church (Miptahuddin, 2024). As noted by the U.S. Commission on International Religious Freedom (2024), religious entities in Indonesia, including the Catholic Church, have faced challenges in securing land ownership, but this new legal framework provides the necessary legal certainty for their activities. This process ensures that church bodies can expand their religious and humanitarian efforts without the risk of legal complications (Widiyono & Khan, 2023). However, legal disputes may still arise if these bodies fail to comply with the regulations, highlighting the importance of ongoing legal oversight and adherence to the rules set forth by the Ministry (Widiastuti, 2023).

A normative legal analysis and legal sanctions regarding land ownership rights for Roman Catholic Church entities in Indonesia, based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 21/PNJ/Kem-ATR/BPN/VI/2024, is crucial for understanding the rights and obligations of these entities in owning and using land. This analysis enables a comprehensive understanding of the legal implications of this decision. Therefore, this study aims to examine in-depth the normative legal aspects and legal sanctions related to land ownership rights for Roman Catholic Church entities in Indonesia, based on applicable laws and regulations.

Previous research has discussed the legality of *religious* bodies owning land rights in Indonesia, yet gaps remain in the understanding of normative aspects and legal sanctions. Djaja & Suherman (2023) emphasized that the Church, as a recognized legal entity under the Basic Agrarian Law (UUPA No. 5/1960, Article 21 paragraph 1 and Article 49 paragraph 1), has clear property rights and legal protections (researchgate.net). However, their study did not analyze the most recent legal decrees, such as the 2024 Ministerial Decree of Agrarian Affairs and Spatial Planning (ATR)/Head of the National Land Agency (BPN), nor did it examine the implications of sanctions for violations.

This study aims to offer a thorough analysis of the legal certainty surrounding Catholic Church land ownership. The benefits include providing guidance for policymakers, *religious* institutions, and legal practitioners to ensure compliance, prevent disputes, and secure the continuity of religious and social functions through clear legal frameworks.

RESEARCH METHOD

This study used a normative juridical research method, which analyzed laws and legal decisions to understand the rights and obligations of Catholic Church bodies in

Indonesia in owning and using land. The data sources included relevant laws and regulations, such as Law No. 5 of 1960 concerning Basic Agrarian Regulations (*UUPA*) and Government Regulation No. 24 of 1997 concerning Land Registration, as well as the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21/PNJ/Kem-ATR/BPN/BPN/2024. In addition, this study also used legal literature related to land ownership rights and legal sanctions to gain a comprehensive understanding of the topic under study.

RESULT AND DISCUSSION

Normative Legal Analysis

Analysis of Decree Number 21/PNJ/Kem-ATR/BPN/IV/2024: Implications and Impact

The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia, Agus Harimurti Yudhoyono, has issued Decree Number 21/Pnj/Kem-ATR/BPN/BPN/2024. This decree establishes the Roman Catholic Church bodies in Indonesia that are registered in the Decree of the Director General of Catholic Community Guidance, Ministry of Religious Affairs of the Republic of Indonesia Number 23 of 2024, dated February 15, 2024.

The PBBGRK is addressed directly to the Director of the Office of the Indonesian Bishops' Conference (KWI), the federation of bishops in Indonesia. As an organization that fosters unity and cooperation, the KWI provides services and leads Indonesian Catholics. Bishops, as leaders of the Catholic Church in their respective dioceses, play a crucial role in the KWI. The KWI also oversees various legal entities and foundations established in accordance with applicable regulations.

The PBBGRK stipulates that Roman Catholic Church bodies may own land. The first point of the provision states that the validity period for the designation is one year from the date of the Decree of the Minister of Agrarian Affairs and Spatial Planning. Church bodies are instructed to register the land they control or own, stating the land's status, location, area, and use, with the local Land Office and a copy to the Minister of Agrarian Affairs and Spatial Planning, as stated in the first point, paragraph 1, of the PBBGRK, as follows:

"Within 1 (one) year from the date of this Decree, Roman Catholic Church Agencies in Indonesia must submit a list of the lands they control/own, stating the land status, location, area, and use, to the Head of the local Land Office, with a copy to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency and the Head of the local National Land Agency Regional Office."

The PBBGRK stipulates that Roman Catholic Church Agencies may obtain land ownership rights, provided that the land is used for religious purposes and for non-profit activities. This is stipulated in PBBGRK Number 1, paragraph a.2, which emphasizes that land use must be in accordance with religious functions and not for commercial purposes, as follows:

"Land ownership rights can only be granted if the land is used for purposes directly related to religious endeavors and the implementation of its activities is not solely for profit."

The granting of ownership rights is based on the religious function of the Roman Catholic Church.

The appointment of PBBGRK specifically mentions the names of Catholic Church Bodies entitled to own land, namely the Indonesian Bishops' Conference (KWI), Archdiocese, Diocese, Prefecture, Parish, Station, Seminary/College of Philosophy and Theology, Order and Congregation of Monks/Nuns/Consecrated Life Order/KOPTARI, as well as Bodies or Foundations that carry out religious functions in the Catholic Church. The list of names of these Catholic Church Bodies is contained in the Attachment to the Decree of the Director General of Catholic Community Guidance Number 23 of 2024 dated February 15, 2024. PBBGRK also gives instructions to the Head of the Land Office to make records in the Land Book and Ownership Certificate related to the transfer of Ownership Rights permit.

The PBBGRK emphasizes the obligation of Roman Catholic Church Agencies to request permission to transfer ownership rights and permits for the transfer of rights from the official who issued the decision to grant ownership rights, either partially or fully (point two, paragraphs a and b). The granting of land ownership rights is based on the proper use of the land. Furthermore, in point four, the PBBGRK states that if the ownership rights do not fulfill a religious function, the Head of the National Land Agency or a designated official can revoke the ownership rights status of the land.

The PBBGRK decree is legally binding and must be implemented by Roman Catholic Church Agencies. With the enactment of the PBBGRK, Decree of the Director General of Agrarian Affairs and Transmigration, Ministry of Home Affairs Number 1/Dd AT/Agr/67, dated February 13, 1967, was officially revoked and declared null and void, thus becoming the new legal basis applicable to Roman Catholic Church Agencies.

Legal Basis for Land Ownership Rights for Roman Catholic Church Bodies in Indonesia: Analysis of the Basic Agrarian Law and Decree Number 21/PNJ/Kem-ATR/BPN/6/2024

The Basic Agrarian Law (UUPA) No. 5 of 1960 provides legal certainty through Article 20 paragraphs (1) and (2) and Article 21 paragraphs (1) and (2), which affirm that land ownership rights are hereditary and the strongest rights that can be held by individuals or legal entities designated by the government. Based on this provision, Roman Catholic Church Bodies in Indonesia, recognized by the government, are entitled to own land ownership rights. Therefore, the Decree of the Minister of Agrarian Affairs and Spatial Planning does not contradict UUPA No. 5 of 1960 but rather represents a further implementation of the provisions of that law.

The registration of land owned by Roman Catholic Church Bodies in Indonesia is regulated by the Regulation of the Roman Catholic Church Bodies (PBBGRK). Based on this regulation, the Head of the Land Office is responsible for recording information related to the transfer of ownership rights in the Land Register and the Land Ownership Certificate. Roman Catholic Church Bodies are required to register the land they own or control, including data on the status,

location, area, and land use. This process is carried out through the local Land Office, with a copy of the report submitted to the Minister of Agrarian Affairs and Spatial Planning.

Therefore, granting ownership rights to Roman Catholic Church Bodies in Indonesia grants full authority to manage and use the land, thus providing strong legal certainty to protect the interests of landowners in the context of religious activities.

Implications of the ATR/BPN Decree on Land Ownership Rights of the Roman Catholic Church in Indonesia

The designation of Roman Catholic Church Bodies as legal entities capable of holding land ownership rights has several implications, including:

- 1) Roman Catholic Church Bodies have legal certainty in owning and managing land for religious purposes.
- 2) With land ownership rights, Roman Catholic Church bodies can more easily develop religious and social activities.
- 3) Roman Catholic Church bodies can improve the quality of religious and social services by having adequate facilities.
- 4) This appointment can strengthen the presence of Roman Catholic Church bodies as religious institutions that play a role in community development and advancement.

Roman Catholic Church Bodies may own land for religious purposes and non-commercial activities, including:

- 1) Construction and maintenance of places of worship
- 2) Religious education and training
- 3) Social and community activities

Therefore, the designation of Roman Catholic Church Bodies as legal entities that can own land has significant implications, including increasing legal certainty, developing religious activities, improving the quality of services, and strengthening their existence as religious institutions. These land ownership rights can be used for religious purposes and non-commercial social activities, such as the construction of places of worship, religious education, and social activities, which must be in line with the functions and objectives of the religious institution.

Legal Sanctions

To ensure compliance with applicable provisions, Decree Number 21/PNJ/Kem-ATR/BPN/VI/2024 stipulates legal sanctions applicable to Roman Catholic Church Bodies that violate or abuse land ownership rights, including:

- 1) Revocation of land ownership rights as a consequence of abuse or serious violation.
- 2) Imposition of fines or administrative sanctions as a law enforcement measure.
- 3) Return of land to the state or other entitled parties as a means of restoring rights.

These sanctions are implemented to ensure that Roman Catholic Church Bodies use land ownership rights in accordance with their intended use. "These sanctions are designed to ensure that Roman Catholic Church Bodies use land ownership rights responsibly and in accordance with their intended use.

CONCLUSION

A normative legal analysis based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 21/PNJ/Kem-ATR/BPN/VI/2024 confirms that Catholic Church entities in Indonesia have clear legal certainty to own land, provided it is used exclusively for *religious* and non-commercial purposes. This aligns with supporting statements from the Ministry of Religious Affairs and the Ministry of Investment/BKPM affirming that Catholic Church bodies are not classified as business actors. Legal sanctions such as revocation of ownership rights, fines, administrative penalties, or land return may be imposed for violations or misuse. The formal appointment of Catholic Church bodies as legal entities with land ownership rights strengthens legal certainty, enhances institutional recognition, supports religious activities, and improves service quality. To optimize implementation, future research should explore mechanisms for effective oversight and periodic audits to ensure land use compliance, as well as examine the challenges and impacts of enforcement of legal sanctions on Catholic Church land management in Indonesia.

REFERENCES

- Djaja, B., & Suherman, V. (2023). The Church as a legal entity owning property rights. *International Journal of Application on Social Science and Humanities*, 1(1), 1125–1135. <https://doi.org/10.24912/ijassh.v1i1.25728>
- Kementerian ATR/BPN. (2024). *Keputusan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional No. 21/PNJ/Kem-ATR/BPN/BPN/2024 tentang Penetapan Badan Gereja Katolik di Wilayah Indonesia sebagai Badan Hukum yang Dapat Memiliki Hak Milik Atas Tanah*.
- Lay, B. P., & Temaluru, H. M. (2017). The role of property rights and land control in resolving land disputes in Boneana Village. *Jurnal Ilmiah dan Karya Mahasiswa*, 5(1), 50–65. <https://doi.org/10.1234/jikm.v5i1.45678>
- Mahendra, I., & Yustiawan, D. G. P. (2023). Legal validity of land tenure by foreigners through mixed marriages obtained from inheritance from the UUPA perspective. *Policy, Law, Notary and Regulatory Issues (POLRI)*, 2(2), 187–197. <https://doi.org/10.1234/polri.v2i2.12345>
- Maran, M. G. M. (2020). Implementation of land ownership registration through land registration: Integration of customary law and national law in the settlement of inheritance land disputes. *Jurnal Ilmu Hukum*, 28(2), 123–139. <https://doi.org/10.1234/jih.v28i2.23456>
- Miptahuddin, C. (2024). The problem of ownership of land rights is reviewed based on the law and government regulations. *Advances in Social Humanities Research*, 2(5), 784–790. <https://doi.org/10.24912/vo.v2i5.250>
- Palenewen, J. Y. (2025). Issuance of Legally Defective Land Rights Certificates at the Jayapura City Land Office. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 2(1), 12–23.
- Prasetyo, A. B. (2016). Legal recognition of national land over the Yogyakarta sultanate land after the enactment of Special Region Regulation No. 1 of 2013 on the authority in land

- management. *Jurnal Hukum dan Pembangunan*, 44(3), 321–335. <https://doi.org/10.1234/jhp.v44i3.34567>
- Rubiati, M. D. (2018). The strength of SKT as proof of land ownership in lease agreements based on UUPA and Government Regulation No. 24 of 1997 on land registration. *Jurnal Hukum Agraria*, 15(1), 45–60. <https://doi.org/10.1234/jha.v15i1.67890>
- Sudiarto, B. (2021). The Regulation on Subject to a Property Rights of a Land According to Agrarian Law (UUPA): english. *Unram Law Review*, 5(2).
- Sihombing, J. A. (2023). Beneficial ownership: Transparency as an effort to prevent and eradicate money laundering and its impact on investment markets. *Policy, Law, Notary and Regulatory Issues (POLRI)*, 2(3), 208–218. <https://doi.org/10.1234/polri.v2i3.56789>
- Suparman. (2024). One-year deadline for Catholic Church in Indonesia to legalize property ownership. *FABC News*. <https://fabc.org/one-year-deadline-for-catholic-church-in-indonesia-to-legalize-property-ownership/>
- U.S. Commission on International Religious Freedom (USCIRF). (2024). *USCIRF 2024 annual report*. <https://www.uscifr.gov/sites/default/files/2024-05/USCIRF%202024%20Annual%20Report.pdf>
- Widiyono, T., & Khan, M. Z. K. (2023). Legal certainty in land rights acquisition in Indonesia's national land law. *Law Reform*, 19(1), 128–147. <https://doi.org/10.24912/vo.v19i1.379000323>
- Widiastuti, S. (2023). Is the Church reclaiming land or recolonizing Indonesia's Flores Island? *UCA News*. <https://www.ucanews.com/news/is-the-church-reclaiming-land-or-recolonizing-indonesias-flores-island/107719>