



COPY

REGENT SUKOHARJO
PROVINCE OF CENTRAL JAVA
SUKOHARJO REGENCY REGULATIONS
NUMBER 10 OF 2018
ABOUT
AMENDMENT TO SUKOHARJO REGENCY REGULATION NUMBER 47 YEARS
2017 CONCERNING VILLAGE ASSET MANAGEMENT
BY THE GRACE OF GOD ALMIGHTY

REGENT SUKOHARJO,

- Considering: a. that in order to provide guidelines for the implementation of Village Asset Management so that it can be effective and efficient in accordance with applicable laws and regulations, Sukoharjo Regent Regulation Number 47 of 2017 concerning Village Asset Management needs to be amended;
- b. that based on the considerations as intended in letter a, it is necessary to stipulate a Regent's Regulation concerning Amendments to Sukoharjo Regent's Regulation Number 47 of 2017 concerning Village Asset Management;
- Bearing in mind: 1. Law Number 13 of 1950 concerning the Establishment of Regency Areas within the Province of Central Java; 2. Law Number 12 of 2011 concerning the Establishment of Legislation and Regulations (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia of 2011 Number 5234); 3. Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to State Gazette of the Republic of Indonesia Number 5495); 4. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to the Law. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 5679);

5. Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2014 Number 123, Supplement to State Gazette of the Republic of Indonesia Number 5539) as amended by Government Regulation Number 47 of 2015 concerning Amendments Based on Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2015 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5717); 6. Presidential Regulation Number 87 of 2014 concerning Implementing Regulations of Law

Number 12 of 2011 concerning the Formation of Legislation (State Gazette of the Republic of Indonesia of 2014 Number 199); 7. Minister of Home Affairs Regulation Number 44 of 2016 concerning Village Authority (State Gazette of the Republic of Indonesia of 2016 Number 1037);

8. Regulation of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Number 2 of 2015 concerning Guidelines for Rules and Decision Making Mechanisms for Village Deliberations (State Gazette of the Republic of Indonesia of 2015 Number 159); 9. Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products (State Gazette of the Republic of Indonesia of 2015 Number 2036); 10. Minister of Home Affairs Regulation Number 1 of 2016 concerning Village Asset Management (State Gazette of the Republic of Indonesia of 2016 Number 53);

11. Sukoharjo Regency Regional Regulation Number 2 of 2011 concerning Guidelines for Procedures for the Formation and Management of Village-Owned Enterprises (Sukoharjo Regency Regional Gazette of 2011 Number 2, Supplement to Sukoharjo Regency Regional Gazette Number 182); 12. Sukoharjo

Regency Regional Regulation Number 11 of 2015 concerning Village Authority (Sukoharjo Regency Regional Gazette of 2015 Number 11, Supplement to Sukoharjo Regency Regional Gazette Number 225);

13. Sukoharjo Regent Regulation Number 34 of 2015 concerning Guidelines for Procedures for Procuring Goods/Services in Villages (Sukoharjo Regency Regional Gazette of 2015 Number 35) as amended by Sukoharjo Regent Regulation Number 5 of 2016 concerning Amendments to Sukoharjo Regent Regulation Number 34 of 2015 concerning Guidelines for Procedures for Procurement of Goods/Services in Villages (Regional Gazette of Sukoharjo Regency 2016 Number 5);

14. Sukoharjo Regent Regulation Number 47 of 2017 concerning Village Asset Management (Sukoharjo Regency Regional Gazette of 2017 Number 48):

DECIDE:

To stipulate: REGENT'S REGULATION CONCERNING AMENDMENTS TO SUKOHARJO
REGENT'S REGULATION NUMBER 47 OF 2017 CONCERNING VILLAGE
ASSET MANAGEMENT.

Article I

Several provisions in the Sukoharjo Regent's Regulations Number 47 of 2017 concerning Village Asset Management (Berita Sukoharjo Regency Region of 2017 Number 48) is amended as follows:

1. Article 15 paragraph (5) is deleted so that Article 15 reads as follows:

Article 15

(1) Building for use or handover of construction as intended in Article 11 paragraph (2) letter d in the form of land with another party is carried out with consideration of:

a. The Village Government requires buildings and facilities for the implementation of village government; and/or

b. there are no funds available in the Village APBD for provision of buildings and facilities.

(2) Other parties as intended in paragraph (1) during the operational period have obligations, including:

a. pay contributions to the Village cash account annually; And

b. maintaining objects built for handover or buildings for handover.

- (3) The amount of the contribution as intended in paragraph (2) letter a is determined based on the calculation results of the team formed by the Regional Government.
 - (4) The team as intended in paragraph (3) consists of Government Assistants, Regional Apparatus in charge of village government, related Regional Apparatus, vertical agencies in charge of land, Sections within the Regional Secretariat in charge of law, the local sub-district head and elements of the village government.
 - (5) Deleted.
 - (6) The other party as intended in paragraph (1) guarantees, it is prohibited to mortgage or transfer land that is the or object of construction for transfer or construction for transfer.
 - (7) The other party as intended in paragraph (1) is obliged to bear the costs relating to the preparation and implementation of the drafting of the agreement letter, and the implementing consultant.
2. Between letter c and letter d paragraph (2) of Article 29, 2 (two) letters are inserted, namely letter c.1 so that it reads as follows:

Article 29

- (1) Exchange of village assets in the form of land for development for the public interest as intended in Article 28 letter a, is carried out in accordance with the provisions of statutory regulations.
- (2) Exchange as intended in paragraph (1) carried out with the following conditions:
 - a. the exchange is carried out after an agreement has been made on the amount of compensation according to a price that is favorable to the village using the fair value calculated by the appraiser;
 - b. if replacement land is not yet available, the replacement land can first be given in the form of money;
 - c. compensation in the form of money as intended in letter b must be used to purchase replacement land of equal value;
 - c1. purchase of replacement land as intended in letter c no later than 6 (six) months from the issuance of the Governor's letter regarding approval of the Village Treasury Land Exchange for development in the public interest;

d. The provision of compensation in the form of money as intended in letter c is calculated based on the appraisal assessment of the prospective replacement land. e. The appraisal

appointment as intended in letter d is carried out by the agency that requires the land in accordance with the provisions of statutory regulations. f. replacement land as intended in letter c is preferably located in the local village;

And

g. If the location of replacement land is not available in the local village as intended in letter f, the replacement land can be located in one sub-district and/or village in another sub-district which is directly adjacent.

3. The provisions of paragraph (1) letter d of Article 30 are amended to read as follows:

Article 30

(1) Exchange of village-owned land as intended in Article 29 is carried out in stages:

a. The Village Head submits a letter requesting permission to the Regent via the sub-district head regarding the results of the Village Conference regarding the exchange of Village-owned land with the prospective replacement land location in the local village, accompanied by:

1) Minutes of the Village Conference results regarding exchange of Village-owned land;

2) BPD Decision regarding Exchange Approval Exchanging Village Owned Land; And

3) Village land ownership/status documents and prospective replacement land.

b. The Regent formed a District Study Team tasked with carrying out administrative research and field surveys;

c. The membership of the Regency Study Team as referred to in letter b consists of Regional Apparatus (PD) and related agencies which are adjusted to the needs and determined by the Regent's Decree;

d. the results of administrative research and field reviews carried out by the Regency Study Team as intended in letter b are stated in the Minutes and reported by the Regency Study Team to the Regent;

- e. The Regent forwards the permit application to the Governor by attaching the Minutes as intended in letter d; And
 - f. After the Governor gives approval, the Village Head then stipulates Village Regulations regarding the Exchange of Village-Owned Land.
- (2) If a replacement land location is not available in the local village as intended in Article 29 paragraph (2) letter f, this is done in stages:
- a. The Regent carries out field inspections and data verification to obtain material and formal truths as outlined in the minutes;
 - b. the results of the field review and data verification as intended in letter a are submitted to the Governor as consideration for granting approval; And
 - c. After the Governor gives approval, the Village Head then stipulates Village Regulations regarding the Exchange of Village-Owned Land.
4. The provisions of paragraph (4) of Article 31 are amended to read as follows:

Article 31

- (1) The field survey as intended in Article 30 paragraph (2) is carried out to see and understand materially the physical condition of the location of village-owned land and the location of potential replacements for village-owned land.
- (2) Verification of data as intended in Article 30 paragraph (2) is carried out to obtain formal evidence through a meeting in the village attended by elements from the Village Government, BPD, the party carrying out the exchange, the owner of the land used for replacement land, sub-district officials , Regional Government, as well as other related parties and/or agencies.
- (3) The results of the field review and data verification as intended in paragraph (1) and paragraph (2) are published in the Minutes signed by the parties and/or other relevant agencies.
- (4) Minutes as intended in paragraph (3) includes, among other things:
 - a. results of village deliberations;
 - b. location, area, reasonable price, type of village land based on its use; And
 - c. proof of ownership of the exchanged village land and its replacement.

5. The provisions of paragraph (2) of Article 32 are amended to read as follows:

Article 32

- (1) Compensation in the form of money as intended in Article 29 paragraph (2) letter b, if replacement land is purchased and there is a relatively small difference in remaining money or the compensation money is relatively small can be used for other than land.
- (2) The amount of the remaining relatively small amount of money or relatively small compensation money can be used other than for land as intended in paragraph (1) at a maximum of IDR 50,000,000.00 (fifty million rupiah).
- (3) The relatively small remaining difference or relatively small compensation money can be used other than for land as intended in paragraph (1) to finance activities in accordance with village authority.
- (4) The difference in money as intended in paragraph (1) is included in the Village Treasury and its use is determined in the Village APBDes.

6. The provisions of paragraph (1) and paragraph (4) of Article 35 are amended to read as follows:

Article 35

- (1) Exchange of village assets in the form of land other than for public purposes and not for public purposes as intended in Article 28 letter c can be carried out on Village-owned land located outside the Village or village-owned land that is not one stretch of land that is squeezed by another party's stretch of land and /or village-owned land which contains land of other parties to the local village location.
- (2) Exchange of village-owned land as intended in paragraph (1) in order to increase the effectiveness of its management so that it is more efficient and effective.
- (3) Exchange of village-owned land as intended in paragraph (2) can be carried out with the following conditions:
 - a. the exchange of land belonging to the village in question must be equal to the replacement land and pay attention to fair value;
 - b. to determine the fair value as intended in letter a, the village involves an appraiser/appraisal staff whose financing is borne by the applicant;

- c. replacement land must be located in a local village;
 - d. determined by Village Regulations regarding Exchange of Village-Owned Land; And
 - e. Village regulations as referred to in letter a, are stipulated after obtaining permission from the Regent.
- (4) The exchange of village-owned land as intended in paragraph (1) is carried out in the following stages:
- a. The Village Head submits a letter requesting permission to exchange Village-owned land to the Regent via the Sub-district Head regarding the results of the Village Conference regarding the exchange of Village-owned land with the prospective replacement land location being in the local village, accompanied by:
 - 1. Minutes of Village Conference results;
 - 2. BPD Decision regarding Approval of Exchange of Village-Owned Land; And
 - 3. Village land ownership/status documents and prospective replacement land.
 - b. The Regent forms a District Study Team to carry out data verification as referred to in letter a and field surveys;
 - c. The membership of the Regency Study Team as referred to in letter b consists of Regional Apparatus (PD) and related agencies which are adjusted to the needs and determined by the Regent's Decree;
 - d. data verification as referred to in letter b is carried out to obtain formal evidence through meetings in the village attended by elements from the Village Government, BPD, parties carrying out the exchange, District officials, as well as other related parties and/or agencies;
 - e. The field survey as referred to in letter b is carried out to see and determine materially the physical condition of the location of village-owned land and the location of potential replacements for village-owned land.
 - f. the results of the field review and data verification as referred to in letters b and d are published in the Minutes signed by the Village Head, the Head of the BPD, the party carrying out the exchange, the District officials, and the Head of the Regency Study Team.
 - g. The Minutes as referred to in letter f are the basis and considerations for the Regent to issue a permit to exchange land belonging to the Village.

Article II

This Regent's Regulation comes into force on the date of promulgation.

So that everyone knows, this Regent's Regulation has been promulgated by placing it in the Sukoharjo Regency Regional News.

Set in Sukoharjo
on February 7, 2018
REGENT SUKOHARJO,

signed

WARDOYO WIJAYA

Promulgated in Sukoharjo
on February 7, 2018

REGIONAL SECRETARY
SUKOHARJO DISTRICT,

signed

AGUS SANTOSA
SUKOHARJO DISTRICT REGIONAL NEWS 2018 NUMBER 10