

## Analysis of the Job Creation Act (UUCK) Mandate Through Government Regulation Number 18 of 2021

Arif Tri Wibowo<sup>1\*</sup> and Dzulhidayah Kinanggi<sup>1</sup>

<sup>1</sup>Sekolah Tinggi Pertanahan Nasional, Yogyakarta

\*Correspondent author: email: [arifw06@gmail.com](mailto:arifw06@gmail.com)

ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b>                      Management Rights, Land, Job Creation Act (UUCK), Inconsistency</p> <p><b>Date log:</b>                      Received: April 13, 2022                      Reviewed: April 8, 2022                      Accepted: August 7, 2022                      Published: August 30, 2022</p> <p><b>To cite this article:</b>                      Wibowo, A.T., &amp; Kinanggi, D. (2022). Analysis of the Job Creation Act (UUCK) Mandate Through Government Regulation Number 18 of 2021, <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 2(1), 1–18                      DOI:  <a href="https://doi.org/10.31292/mj.v2i1.21">https://doi.org/10.31292/mj.v2i1.21</a></p>	<p>Agrarian conflicts occur from legal politics in the land sector, where the rules issued by the government are not compatible or contradictory. The Job Creation Act (UUCK) provides convenience in various regulatory aspects such as in the land sector, one of the implementing regulations is Government Regulation no. 18 of 2021. This study focuses more on analyzing with the intention to show a comparison of regulations that have been issued before and after the Job Creation Act as a regulation arrangement in the land sector through Government Regulation No. 18 Year 2021. The author uses a qualitative method through a statute approach by collecting data and information and interpreting matters relating to relevant objects to draw conclusions. The results of the analysis show that the Job Creation Act has produced implementing regulations for at least 5 (five) government regulations in the land sector to cut previous regulations and reorganize regulations. Government Regulation No. 18 of 2021 provides new scope arrangements such as arrangements for Right to Manage (HPL), Land Reclamation, Land Destroyed, Space Above Land (RAT) and Underground Space (RBT). Government Regulation No. 18 of 2021 cut overlapping regulations in the land sector so that in their implementation, they can be aligned according to objectives by prioritizing the interests of the wider community and minimizing agrarian conflicts. However, the birth of Government Regulation No. 18 of 2021 raises problems and does not refer to the Basic Agrarian Law as a special law.</p>

### A. Introduction

Agrarian or land conflicts often occur in Indonesia, this conflict arises due to legal politics in the land sector related to regulations issued by the government, where these rules are not in accordance with or contradict Law no. 5 of 1960 (better known as the Basic Agrarian Law), resulting in disharmony between the Basic Agrarian Law and other sectoral regulations (Utomo, 2021). During the leadership of President Joko Widodo, the Bill on Job Creation was officially ratified as Law no. 11 of 2020 on Job Creation or commonly known as the Job Creation Act (UUCK) on November 2, 2020 (Djongga et al., 2020). After being promulgated, there were many rejections because they contained controversial articles that could harm small communities, especially farmers, laborers, and indigenous people. In the design process until its ratification, the Job Creation Act also ignores community or public participation, so the paradigm of the Job Creation Act should be questioned. The regulated substance also creates problems, where previously the decision-making on licensing was the authority of regional autonomy, which was participatory and democratic. Instead of facilitating the licensing processes,

decision-making is re-centered on the president or the central government, thereby reducing the authority of regional autonomy.

The impact of the Job Creation Act on the Basic Agrarian Law has indirectly led to an increase in agrarian conflicts and problems that gave rise to the idea of reorganizing the structure of land ownership and control, in addition to the overlapping tasks of agrarian reform in Article 180 of the Job Creation Act with Land Banks in Articles 125-135 of the Job Creation Act. The cause of agrarian conflicts is further worsened by the easy access to the conversion of agricultural land in the name of development for the public interest and investment in the future. Because one of the goals of the Job Creation Act is to provide convenience in various aspects of regulations regarding licensing and land acquisition (Antari, 2021).

Utilization of natural resources (SDA) in terms of management in accordance with Article 33 of the 1945 Constitution, becomes its own challenge with the existence of the Job Creation Act because it's not known whether the arrangement of natural resources is actually intended, as much as possible, for the prosperity of the people (Pradhyksa, 2021). In concept, the Job Creation Act is a form of regulatory arrangement, so there is no need to worry about overlapping regulations. After the birth of the Job Creation Act, there were a number of regulations in the land sector that changed several provisions. At least five government regulations are issued as derivative rules of this Job Creation Act (Antari, 2021).

The land arrangement in the drafting of the Job Creation Act does not meet the material requirement, namely the principle of justice, because it does not give equal attention to an affected group or organization (indigenous people communities). In addition, material requirements related to the principles of order and legal certainty were also not fulfilled because the Job Creation Act ordered direct regulation of Government Regulations (PP) and Presidential Regulations, causing the drafting of the Act to potentially deviate from its purpose. The study (Maufiroh et al., 2021) states that the regulation related to land is contained in the fourth part of the Job Creation Act, namely Article 125-147. Article 125-135 discusses the establishment of land banks, Article 136-142 relates to management rights, Article 143-145 discusses apartment units, Article 146 grants rights to the upper and underground space, and the last one; Article 147 is about electronic documents. The promulgation of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration (PP No. 18 of 2021) on February 2, 2021 is a mandate stated in Article 142 and Article 185 letter b of the Job Creation Act. In accordance with Government Regulation No. 18 of 2021 which has been published, this study was written to analyze how the rules that have been issued are in accordance with the mandate of the Job Creation Act and as a comparison for several regulations before the issuance of Government Regulation No. 18 of 2021.

Several studies also examine Government Regulation No. 18 of 2021 (Maufiroh et al., 2021) which illustrates that Government Regulation No. 18 of 2021 only relies on the Job Creation Act and does not mention the Basic Agrarian Law as a reference pillar, hence it was found that a number of articles contradicted higher rules when viewed from the substance. In their study, Camalia & Taupiqurrahman explain that there are differences in the perception or opinion of each individual because the changes in the regulation of communal land or the Right to Cultivate are not explained clearly and in detail because the existing provisions or arrangements do not clearly regulate the

renewals (Camalia & Taupiqqurrahman, 2021). In their study, Antari stated that the principles and objectives of the Basic Agrarian Law as stated in article 33 paragraph (3) of the 1945 Constitution were further away from expectations after the establishment of the Job Creation Act where the real goal was for equitable economic growth (Antari, 2021). The only explanations found in her study (Devita, 2021) are about Management Rights and types of Management Rights and their implementation, not referring to all the discussions contained in Government Regulation No. 18 of 2021. This study looks at the mandate of the Job Creation Act through Government Regulation No. 18 of 2021. Professor of the Faculty of Law UGM, Prof. Dr. Nurhasan Ismail in the Webinar "Quo Vadis Land Management After Law No. 11 of 2020" which was held by the Faculty of Law UGM, on Monday, September 20, 2021, stated that Government Regulation No. 18 of 2021 is based on the implementation of Law No. 11 of 2020 (Job Creation Act) and does not base the Basic Agrarian Law as a reference, although the Basic Agrarian Law is not mentioned as the basis for "remembering" but using the Basic Agrarian Law as the main reference is mandatory. Prof. Dr. Maria SW Sumardjono, Professor of the Faculty of Law UGM, in the same webinar also stated that the recognition of customary law communities is still up in the air, and the goals and conceptions of communal land in determining the Land Management Right for indigenous people are not clear.

The Job Creation Act is not only a breakthrough in Indonesian law but also a means of deregulation and debureaucratization that can change and abolish many regulations into one regulation that covers all aspects, especially in the land sector. With the Job Creation Act, it is hoped that it will be able to overcome the overlapping regulations that have been complained about by the Indonesian people through the arrangement of regulations. The framework of this study is to analyze Government Regulation No. 18 of 2021 as a derivative rule of the Job Creation Act to show a comparison of regulations that have been issued before and after the issuance of the Job Creation Act as a regulation arrangement in the land sector.

## **B. Methods**

This paper used normative legal research or normative juridical research methods, namely research by looking for library research materials (Sonata, 2014). Literature research was conducted to collect secondary data from primary, secondary, and tertiary materials. With regard to the type of research used, namely normative law, the approach applied is a statutory approach (Pradhyksa, 2021, Priskila Ginting, 2021, Mulyani, 2020). The source of data in this study is the result of data obtained through library research in the form of legal materials, which are contained in the 1945 Constitution, Law No. 11 of 2020 (Job Creation Act), Government Regulation No. 18 of 2021 as well as legislation on agrarian or land. Data collection is carried out by collecting data and information in the form of scientific works, legislation, and written materials by searching, understanding, recording, and interpreting matters related to relevant objects. The collected data is then analyzed through qualitative methods, by describing the data in the form of systematically arranged sentence descriptions. In addition to the normative juridical method, the author also visited several online sites to strengthen the arguments obtained.

### C. Rules for the Job Creation Act Implementation in the Land Sector

The following plot is the birth of the Job Creation Act and the abolition of several rules and articles in several regulations when the Job Creation Act and Government Regulation No. 18 Year 2021 was born.

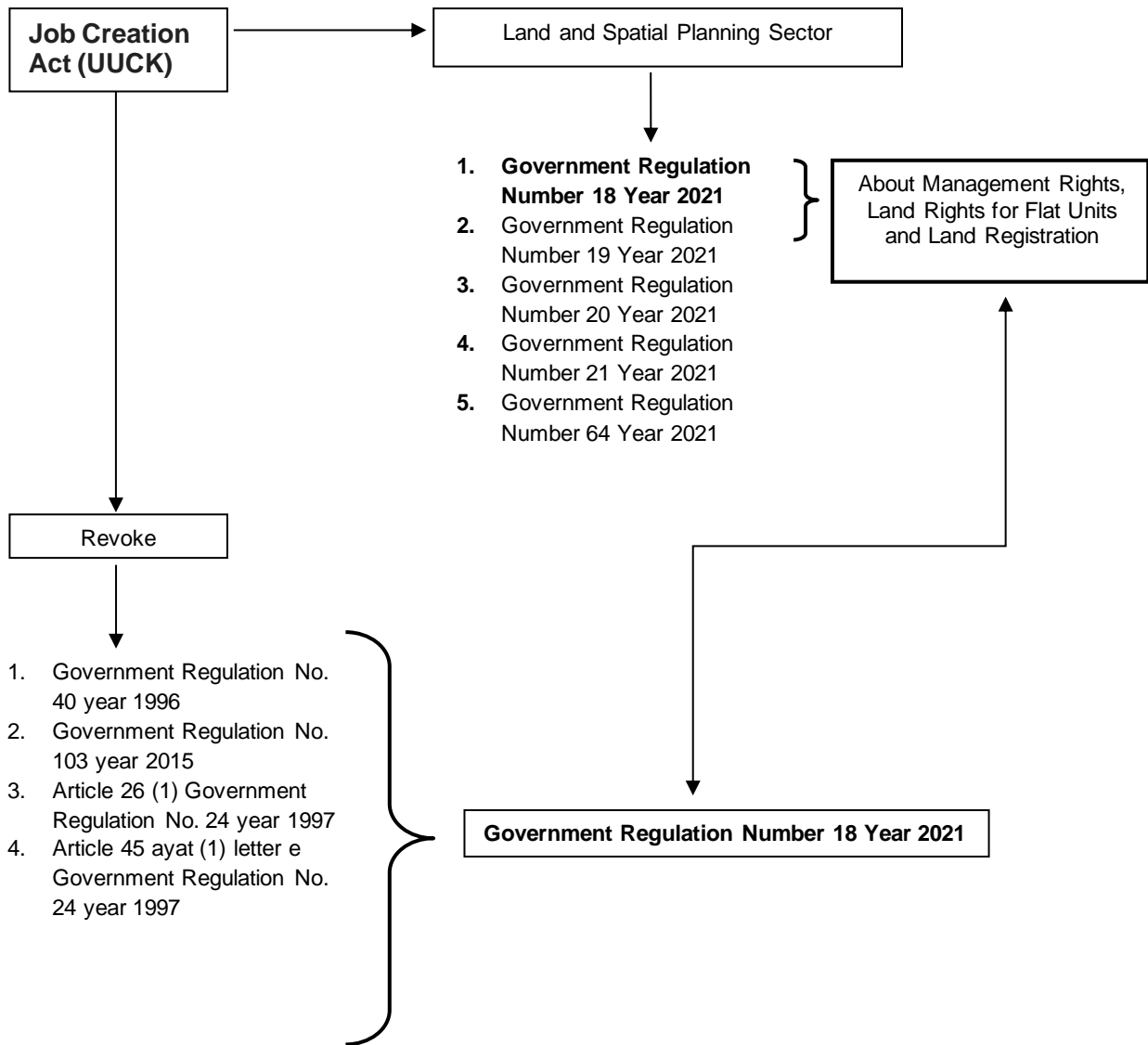


Figure 1. Government Regulation No. 18 Year 2021 Implementing Rules of the Job Creation Act Diagram  
Source: Author's Analysis, 2022

Based on Figure 1, Government Regulation No. 18 of 2021 is a derivative rule of the Job Creation Act in the land sector which was made to unite several regulations into one regulation in the land aspect and to harmonize the existing substances in various laws and regulations in one law. There were at least 5 (five) implementing regulations derived from the Job Creation Act that have been issued in the land sector, including Government Regulation No. 18 of 2021 which regulates Right to Manage (HPL), Land Reclamation, Destroyed Land, Upper Land Space (RAT) and Underground Space (RBT), Government Regulation No. 19 of 2021 which regulates Land Procurement, Government Regulation No. 20 of 2021 regulates the Control of Abandoned Lands and Areas, Government Regulation No. 21 of 2021 regarding Spatial Planning, as well as Government Regulation No. 64 of 2021 which regulates the Land Bank Agency. According to Figure 1, the process of forming

Government Regulation No. 18 of 2021 revoked 2 government regulations, namely Government Regulation No. 40 of 1996 concerning Cultivation Rights, Building Use Rights, and Land Rights and Government Regulation No. 103 of 2015 which regulates the Ownership of Residential Houses by Foreigners and amends 2 articles in Government Regulation No. 24 of 1997, namely Article 26 (1) and Article 45 paragraph (1) letter e. The issuance of Government Regulation No. 18 of 2021 represented several regulations that have been revoked as well as trimming overlapping regulations and removing provisions that are no longer relevant and then refining them as needed.

#### D. Pre Government Regulation Number 18 Year 2021

Table 1. Government Regulation No. 18 Year 2021 Revoked Some Rules

No	Revoked	Description
1	Government Regulation No. 40 Year 1996	Adapting to today's need
2	Government Regulation No. 103 Year 2015	No longer relevant
3	Article 26 Paragraph (1) Government Regulation No. 24 Year 1997	Maximizing the time of systematic and sporadic land registration results
4	Article 45 Paragraph (1) Letter e Government Regulation No. 24 Year 1997	Land arrangements become the case object in court

Source: Author's Analysis, 2022

Before the presence of Government Regulation No. 18 of 2021, the regulation on Right to Manage (HPL), Right Over Land for Flats, and Land Registration was mentioned in the Basic Agrarian Law, but it was not explicitly explained. Based on Table 1, Government Regulation No. 40 of 1996 was revoked on the grounds of adjusting to current needs. Arguably, current times require a more directed approach to realize land administration, land use, and land maintenance related to the Right to Cultivate, Building Rights on Land, and Rights of Use.

Government Regulation No. 103 of 2015 was no longer relevant to be used because Article 2 of Government Regulation No. 103 of 2015 states that foreigners can own a house for residence with the right to use and Article 4 letter b of Government Regulation no. 103 of 2015 stipulates foreigners who can own a condominium unit on land with the right to use. Meanwhile, the Basic Agrarian Law stated that foreigners residing in Indonesia can only have the right to use state land or on other people's property rights (Wardhani, 2020).

Article 26 Paragraph (1) Government Regulation No. 24 of 1997 was revoked to maximize the time for systematic and sporadic land registration results, which was originally announced for 30 days for systematic land registration and 60 days for sporadic land registration, now it is 14 calendar days for systematic and 30 calendar days for sporadic. Article 45 Paragraph (1) letter e Government Regulation No. 24 of 1997 was also revoked in the case of the land being sued, where the interested party submits a copy of the letter of request for registration to the land office that the Right Over Land or the Right Over Land of the Flats Unit is the object of a case in court. Another reason was that Article 3 Government Regulation No. 24 of 1997 explained the purpose of land registration to provide legal certainty and legal protection, provide information to interested parties, and the implementation of orderly land administration (Wardhani, 2020). Meanwhile, Article 19 Paragraph 2 of the Basic Agrarian

Law stated that the purpose of land registration was more technical and administrative in nature, such as regulating measurements, mapping, land accounting, and providing strong evidence like letters of proof of rights (Surayya, 2020).

**E. Scope of Government Regulation Number 18 of 2021**

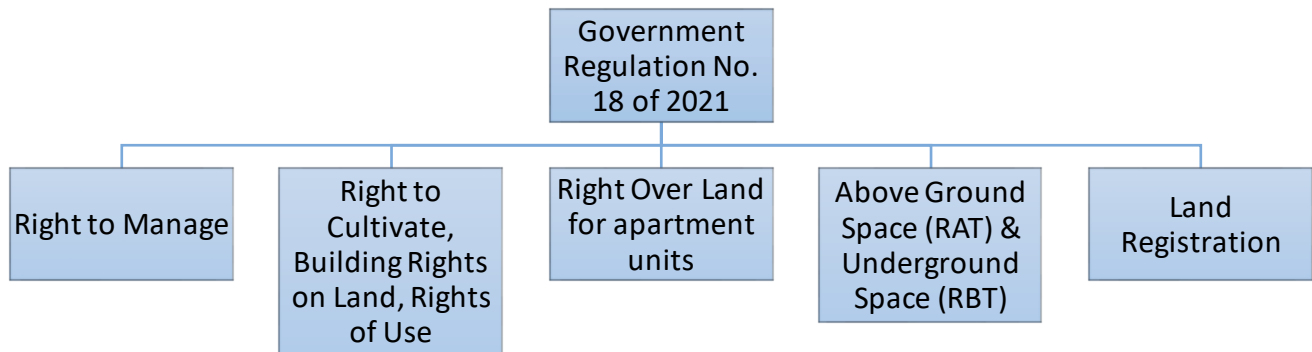


Figure 2. Scope Diagram of Government Regulation No. 18 of 2021  
 Source: Author’s Analysis, 2022

Figure 2 shows the scope of Government Regulation No. 18 of 2021 which consists of Right to Manage (HPL), Right to Cultivate (HGU), Building Rights on Land (HGB), Rights of Use (HP), Right Over Land for Apartment Units (HAT Sarusun), Granting of Right to Land/Right to Manage to the Upper Land Space (RAT) and Underground Space (RBT) and Land Registration. The explanation of the 5 (five) scopes is explained in detail as follows: First, the Right to Manage contained in Government Regulation No. 18 of 2021 strengthens the Right to Manage concept where Land Bank Right to Manage can be granted for Right to Cultivate, Building Rights on Land, or Rights of Use in granting Right to Land over Right to Manage with a longer period, such as granting extensions or renewals of rights can be granted according to the term of the land use agreement. The base of the Right to Manage is in the form of State Land (TN) or Communal Rights. TN in Government Regulation No. 18 of 2021 means that the land was not attached to any Right to Land, not charitable land, not communal land, and/or not state property but was directly controlled by the state. The subject of Right to Manage itself was the Indigenous People and the Land Bank Agency as the imposition of tariffs on land rights above the Land Bank's Right to Manage. Legal entities can also obtain Right to Land on Right to Manage land without having to carry out the land acquisition. Furthermore, according to Article 4 Government Regulation No. 18 of 2021 business actors can be given Building Rights on Land or Rights of Use based on an agreement to use land on land with communal rights of indigenous peoples. Conceptually, Right to Manage above TN was given as long as main duties and functions were directly involved in land management. If Right to Manage was not involved, it can be given directly after obtaining approval from the Minister in charge of finance. While legal entities must be established by presidential regulation (KOMPAS, 2021).

*Second*, Right to Cultivate, Building Rights on Land, and Rights of Use in Government Regulation No. 18 of 2021 were emphasized to provide ease of service and legal certainty. An important substance in Government Regulation No. 18 of 2021 is if the Right to Cultivate period has expired, it can be extended for 35 years and renewed for 25 years and 35 years respectively for a total term of 95 years. After that, if there was no management or it was abandoned, it would turn into state land as was the

case in West Java, where the expired Right to Cultivate land was still controlled by the private sector to the detriment of the people who managed the land. There was no mention of the 95-year total extension period in the Basic Agrarian Law as well as Government Regulation No. 40 of 1996 and they only mentioned when the time period has expired to return to state land. Building Rights on Land over TN and Right to Manage land were granted for a maximum period of 30 years, 20 years for extension and 30 years for renewal. Building Rights on Land on HM Land could be granted for a maximum period of 30 years and a Building Rights on Land deed could be issued for renewal. Rights of Use above TN and Right to Manage land was given a maximum period of 30 years, 20 years for extension and a maximum period of 30 years for renewal.

*Third*, Right Over Land for Apartment Units provided an opportunity for foreigners to own a condominium unit on land with Building Rights on Land as flats were built on Rights of Use or Building Rights on Land land parcels and could also be in the form of landed houses with Rights of Use. The Rights of Use or Building Rights on Land status was in the form of TN, Right to Manage Land or HM Land. The subjects of Rights of Ownership (HM) of Apartment Units included Indonesian Citizens, Licensed Foreigners, Indonesian Legal Entities, Foreign Legal Entities having representatives in Indonesia, and Representatives of Foreign Countries/International Institutions located in Indonesia. The Indonesian government strengthens housing realization for Low-Income Community (MBR) groups by increasing the construction of flats so as to encourage people to live in vertical housing and maximize the benefits of residential land. Rights of Ownership of Apartment Units according to Article 144 of the Job Creation Act could be transferred and guaranteed. The study conducted by (Lijaya et al., 2021) stated that the principle used in the ownership of an apartment unit was the principle of horizontal separation which meant there was no ownership of the building and the plants on it. Besides the Rights of Ownership of Apartment Units which could provide benefits for foreigners, there was a disharmony article against the Basic Agrarian Law. In the Basic Agrarian Law, those who could have Building Rights on Land are Indonesian citizens and legal entities residing in Indonesia, while Rights of Use was for Indonesian citizens, foreigners living in Indonesia, legal entities residing in Indonesia, and foreign legal entities whose representatives are in Indonesia, but this is different from the Job Creation Act. Rights of Ownership of Apartment Units owned by foreigners could be built on Building Rights on Land or Rights of Use land on TN, Building Rights on Land or Rights of Use on Right to Manage (Hartanto et al., 2021).

*Fourth*, Article 84-86 of Government Regulation No. 18 of 2021 explained the execution of electronic land registration and its implementation was carried out in stages. In the juridical study carried out (Agustina, 2021) referring to the Regulation of the Ministry of Agrarian and Spatial Planning/Head of National Land Agency No. 1 of 2021, the results of land registration activities are certificates issued in the form of electronic documents through an electronic system. The legal basis for the issuance of electronic documents was contained in Article 147 of the Job Creation Act. The electronic document in question was an electronic certificate containing the identity of a legal subject affixed with an electronic signature. Article 87-89 of Government Regulation No. 18 of 2021 also implied that land owners who were involved in systematic land registration activities were required to register their land parcels in these activities. If the land owner did not participate, they were

required to register their land sporadically, which meant that every land owner must participate in land registration activities carried out by the government.

*Fifth*, in Government Regulation No. 18 of 2021, Above Ground Space and Underground Space in general is a space that is separated from the control, use, ownership, and utilization of land parcels. After Above Ground Space or Underground Space were used, they could be given Right to Manage, Building Rights on Land, or Rights of Use with the title decision made by the Minister. As for Underground Space, it was given in the form of shallow Underground Space and deep Underground Space. Regarding the subject, the transfer and release until cancellation apply *mutatis mutandis* to Above Ground Space or Underground Space. In a study (Hermawan & Hananto, 2021), the regulation of Underground Space should be regulated through a new type of title so that the attachment of Underground Space Rights is adequate from the perspective of land law. In a similar study (Sibuea, 2013), Underground Space contained elements like considering the existing civil rights above it, the depth that can be extracted, the risk of loss caused by the use of the Underground Space, and the full implementation of Underground Space in urban areas, but limited to rural areas.

In a study (Devita, 2021), land reclamation was also regulated in Government Regulation no. 18 of 2021 where Right to Manage or Right to Land can be granted provided that they have obtained a reclamation permit by a Central Government agency, State Owned Enterprises (BUMN) or Local Owned Enterprises BUMD, state-owned legal entity or Land Bank Agency, or a legal entity appointed by the Central Government. If the reclamation activity was carried out without a reclamation permit, the authorized official must carry out spatial or technical research as determined by the laws and regulations to issue the reclamation permit. However, if the research does not meet the requirements, then the reclaimed land is to be returned to its original state and becomes land that is managed directly by the state.

PP No. 18 of 2021 also stipulated the procedure for determining the destroyed land in which a parcel of land is rendered unusable because its shape had changed due to a disaster or natural event so that it cannot be identified, cannot be functioned, used, or utilized as intended, then the land is declared destroyed, as for the Right to Land attached above the land like Right to Manage is declared null and void.

#### **F. Inconsistency of Government Regulation Number 18 of 2021**

PP No. 18 of 2021 had a positive impact that followed the development of life and the economy in Indonesia. But on the other hand, according to reports, there were several inconsistent articles (Gadjah Mada University, 2021). In fact, some experts mentioned article 7 paragraph (1) and article 8 paragraph (1) letter a created different interpretations regarding the authority of the Right to Manage holder which could be used and utilized for their own benefit. Vertical inconsistencies were also found related to the granting of Right to Manage, the granting of Right to Cultivate on Right to Manage land, provisions for Building Rights on Land and Rights of Use over HM, as well as Building Rights on Land ownership by foreigners. The issue of Right to Cultivate over Right to Manage contradicted Article 2 and Article 28 of the Basic Agrarian Law and General Elucidation 11.2 because it shifts Right to Manage into civil land rights, equates state land with Right to Manage land, and changed Right to Manage as a public management "function". This is evidenced by Building Rights on Land and Rights of Use, even



HM could occur on Right to Manage land, but Right to Cultivate could not be granted on Right to Manage land.

Professor of Faculty of Law UGM, Prof. Dr. Maria SW Sumardjono, gave a note on crucial issues regarding the still uncertain recognition of indigenous communities, the unclear concept of communal land, and the objectives of customary law communities in determining the Right to Manage. A similar case was also described (Riyanto et al., 2020) that Government Regulation No. 18 of 2021 does not refer to the Basic Agrarian Law considering it was a special law or *lex specialis* while Basic Agrarian Law is a general law or *lex generalis*. Therefore, the Job Creation Act and its derivative rules or implementing rules in legal content must not conflict with the Basic Agrarian Law in substance or material. However, there are 16 articles in Government Regulation No. 18 of 2021 which is inconsistent both internally and vertically, causing different interpretations. For example, Article 4, Article 5, Article 8 Paragraph (1), Article 7 Paragraph (1), Article 46 letter b number 2, Article 61 letter b number 2, Article 71 Paragraph (1) letter b, and Article 71 Paragraph (2).

In Devita's study (2021) Right to Manage could be delegated to the holder as a form and part of the authority that existed in the State's Right to Control. Therefore, the State's Right to Control was only limited to the regulation of the use of land, not to mention the right to use water and the right to use space. On the other hand, Right to Manage was also the end of the implementation of the State's Right to Control. Meanwhile, in Article 2 Paragraph (2) of the Basic Agrarian Law, the authority of the State's Right to Control could not be transferred or fully relinquished to any party. If a right is transferred or relinquished, it will be contrary to the basic principles of the Basic Agrarian Law.

Prior to the issuance of Government Regulation No. 18 of 2021, the granting of Right to Land to foreigners was limited in nature where HM was not granted over plots of land and within a predetermined period of time. After the issuance of Government Regulation No. 18 of 2021, there were problems regarding the granting of HM over land parcels to foreigners, such as juridical problems where the Basic Agrarian Law protected the civil rights of every Indonesian citizen, even if the presence of foreigners in owning Right to Land provided benefits, especially in the economic field, but if the land was not utilized in Rights of Use land status had ended, what was owned by a foreigner would return to TN so that the land could be considered as an abandoned land. The presence of foreigners also caused social problems that had an impact on the welfare of the Indonesian people, such as the changing of norms or new cultures that had a negative impact on society and behavior patterns in resolving differences of opinion or conflicts, especially in terms of land. In a study (Boneka et al., 2015), the presence of a foreigner caused problems in obtaining HM on a parcel of land because if the foreigner died, his family would have the right to inherit the land parcel. Before Government Regulation No. 18 of 2021, the regulation of foreign ownership of Right to Land in the Basic Agrarian Law was limited to 10 years, while foreign country representative offices were only given Rights of Use for as long as it was used. The same thing was also stated in Article 21 of the Basic Agrarian Law that only Indonesian citizens are entitled to have HM, not including foreigners.

Problems related to land acquisition regulations also occurred where the granting of compensation to recipients of compensation for state land users was not in accordance with the provisions of the Basic Agrarian Law because former rights holders whose time period has expired could still use or utilize the land in question, unless the person concerned was in the process of waiting for the issuance

of the Extension/Renewal of Rights decree. Compensation for communal land rights against the subject of communal rights (Indigenous People) in the Job Creation Act defined it incorrectly. The existence of the Indigenous People (MHA) should be recognized in the form of a Regional Head Decree with the confirmation of its stipulation which was declaratory, not a Regional Regulation (Perda) (Riyanto et al., 2020).

## G. Conclusion

The issuance of the Job Creation Act implementation rules which are mandated by Article 142 and Article 185 letter b of the Job Creation Act, Government Regulation No. 18 of 2021 is expected to be able to make regulatory arrangements in the land sector so as to encourage fewer agrarian conflicts caused by conflicting agrarian rules. It is not explicitly explained in the Basic Agrarian Law regarding Right to Manage, Right to Land Apartment Unit, and Land Registration so Government Regulation no. 18 of 2021 mentions in detail the scope with the addition of new arrangements such as land reclamation, the establishment of destroyed land, Above Ground Space, and Underground Space. A very clear difference regarding the Right to Manage that can be granted for Right to Cultivate, Building Rights on Land, or Rights of Use with a longer term. In addition, if the Right to Manage is not related to land management, Right to Manage can be granted directly on the condition that it obtains approval from the minister. Above Ground Space or Underground Space can also be granted Right to Manage, Building Rights on Land, or Rights of Use with a title decided by the minister. Government Regulation No. 18 of 2021 revoked several regulations that were thought to be no longer relevant and at the same time cut down overlapping regulations so that their implementation could be in line with the objectives by prioritizing the interests of the wider community. However, apart from having a positive impact, there are inconsistent articles in Government Regulation No. 18 of 2021 which causes different interpretations. Government Regulation No. 18 of 2021 which is a derivative rule of the Job Creation Act in substance or material does not refer to the Basic Agrarian Law as a special law. Right to Manage as the implementation of the State's Right to Control can be delegated to its authority, contrary to the article of the Basic Agrarian Law which states that the State's Right to Control cannot be delegated or completely relinquished to any party. Ownership of Right to Land for foreigners also raises problems and contradicts Article 21 of the Basic Agrarian Law.

## References

- Agustina, E. (2021). Kajian Yuridis Program Penerbitan Sertipikat Hak Atas Tanah Elektronik. *Solusi*, 19(September), 341–358.
- Antari, L. P. S. (2021). Undang-Undang Cipta Kerja di Bidang Agraria. *Jurnal Yusthima, Yusthika Mahasaraswati*, 01(01), 11–22.
- Boneka, J. P. R. R., Anis, F. H., & Karamoy, R. V. (2015). Rumah Susun bagi Orang Asing menurut Peraturan Pemerintah RI. Nomor. 18 tahun 2021. *Jurnal Lex Privatum*, X(1), 1–18.
- Camalia, T. C., & Taupiqqurrahman. (2021). Status Tanah Ulayat Atas Hak Guna Usaha yang telah Berakhir (Berdasarkan Peraturan Pemerintah Nomor 18 Tahun 2021). *Jurnal Ilmu Hukum (DELEGALATA)*, Volume 6 Nomor 2, Juli-Desember Tahun 2021, 6(18), 423–432. <https://doi.org/10.30596/delegalata.v>
- Devita, S. M. (2021). Perkembangan Hak Pengelolaan Atas Tanah Sebelum dan Sesudah Peraturan

- Pemerintah Nomor 18 tahun 2021 Tentang Hak pengelolaan, Hak Atas Tanah, Satuan Rumah Susun, dan Pendaftaran Tanah. *Jurnal Hukum Lex Generalis*. Vol.2 No.9, 2(9), 870–888.
- Djongga, S., C. J., Heriyandi, Poerwanto, H., Hutasoit, J., Anam, K., & Wiyono, B. (2020). Perlindungan Hukum Terhadap Kesejahteraan Pekerja Melalui Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja. *Lex Specialis*, 1(2), 178–188.
- Hartanto, J. A., Waluja, H. D., & Waluja, H. D. (2021). Kepastian Hukum Kepemilikan Rumah Susun Oleh Orang Asing Dalam Undang-Undang Cipta Kerja. *RechtIdee*, Vol. 16, No. 2, 267–281.
- Hermawan, S., & Hananto, S. A. (2021). Pengaturan Ruang Bawah Tanah berdasarkan Prinsip Agraria Nasional. *Pandecta Research Law Journal*, 16(1), 27–44.
- KOMPAS. (2021). Menurut PP 18, Sertifikat Elektronik dan Konvensional Punya Kedudukan Sama di Mata Hukum.
- Lijaya, M. P., Anggarawati, N. P. P., & Rumaisa, D. (2021). Karakteristik Hak Milik Atas Satuan Rumah Susun Bagi Warga Negara Asing yang Berkedudukan di Indonesia. *Rechtstregell: Jurnal Ilmu Hukum*, 4(1), 25–40.
- Maufiroh, P., Rachman, B. R., & Purnaningrum, E. (2021). Kajian Hukum terhadap Inkonsistensi Vertikal Peraturan Pemerintah Nomor 18 Tahun 2021. *Jurnal Education and Development, Institut Pendidikan Tapanuli Selatan*, 9(4), 191–196.
- Mulyani, B. (2020). Dekonstruksi Pengawasan Peraturan Daerah Setelah Berlakunya Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja. *JURIDICA : Jurnal Fakultas Hukum Universitas Gunung Rinjani*, 2(1), 91–113. <https://doi.org/10.46601/juridica.v2i1.183>
- Pradhyksa, D. P. (2021). Pengaturan Pendayagunaan Sumber Daya Air dalam Undang-Undang Cipta Kerja dan Korelasinya dengan Pasal 33 UUD 1945. *Ascarya: Journal of Islamic Science, Culture, and Social Studies*, 1(2). <https://doi.org/10.53754/iscs.v1i2.16>
- Priskila Ginting, Y. (2021). Perspektif Pluralisme Hukum Pasca Pembentukan Undang Undang Cipta Kerja. *Majalah Hukum Nasional*, 51(1), 59–71. <https://doi.org/10.33331/mhn.v51i1.135>
- Riyanto, S., Sumardjono, M. S. ., Hiariej, E. O. ., Sulistiowati, Hernawan, A., Mochtar, Z. A., Diantoro, T. D., Yuniza, M. E., Wardana, I. G. A. M., & Izzati, N. R. (2020). Kertas Kebijakan: Catatan Kritis dan Rekomendasi Terhadap RUU Cipta Kerja. *Fakultas Hukum Universitas Gadjah Mada*, 4–13.
- Sibuea, H. Y. P. (2013). Tinjauan Yuridis Atas Pemanfaatan Ruang Di Bawah Tanah. *Negara Hukum*, 4(Land Reform), 18–34.
- Sonata, D. L. (2014). Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Dari Metode Meneliti Hukum. *Fiat Justisia Jurnal Ilmu Hukum*, 8(1), 15–35.
- Surayya, I. (2020). Idiologi Hukum Pendaftaran Tanah Dalam Sistem Hukum Agraria. *Jatiswara*, 34(1). <https://doi.org/10.29303/jatiswara.v34i1.224>
- Universitas Gadjah Mada. (2021). *Pakar UGM: Terdapat Sejumlah Inkonsistensi dalam PP No. 18 Tahun 2021*.
- Utomo, S. (2021). Perjalanan Reforma Agraria Bagian Dari Amanah Konstitusi Negara. *Veritas et Justitia*, 7(1), 115–138. <https://doi.org/10.25123/vej.v7i1.3935>
- Wardhani, D. K. (2020). Disharmoni Antara Ruu Cipta Kerja Bab Pertanahan Dengan Prinsip-Prinsip Uu Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria (UUPA). *Jurnal Komunikasi Hukum (JKH)*, 6(2), p 440-455.