

Buying Agreements of Small Islands to Foreign Citizens from an Agrarian Law Perspective in Indonesia

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ABSTRACT

There are many cases of buying small islands in Indonesia. Moreover, foreign nationals interested in acquiring land in Indonesia often make these purchases. This study then aims to see the causes and background of the buying and selling of small islands in Indonesia to foreign nationals, and the consequences from the perspective of agrarian law. This research is a type of normative juridical research. The approach method used in this research is a statutory approach and a conceptual approach. Researchers will process the research data that has been collected. This study found that many aspects affect the buying and selling of small islands to foreign nationals. From an agrarian perspective, this buying and selling activity causes a change in the status of land rights in the form of usufructuary rights or rental rights. The local government itself is trying to make some regulations to be able to protect these small islands.

ABSTRAK

Ada banyak kasus pembelian pulau-pulau kecil di Indonesia. Apalagi, warga asing yang tertarik untuk memperoleh tanah di Indonesia sering melakukan pembelian tersebut. Penelitian ini kemudian bertujuan untuk melihat penyebab dan latar belakang jual beli pulau-pulau kecil di Indonesia kepada warga negara asing, serta akibat yang ditimbulkan dari perspektif hukum agraria. Penelitian ini merupakan jenis penelitian yuridis normatif. Metode pendekatan yang digunakan dalam penelitian ini adalah pendekatan perundang-undangan dan pendekatan konseptual. Peneliti akan mengolah data penelitian yang telah terkumpul. Studi ini menemukan bahwa banyak aspek yang mempengaruhi jual beli pulau-pulau kecil kepada warga negara asing. Dari segi agraria, kegiatan jual beli ini menyebabkan perubahan status hak atas tanah berupa hak pakai atau hak sewa. Pemerintah daerah sendiri sedang berusaha membuat beberapa peraturan untuk bisa melindungi pulau-pulau kecil tersebut.

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I. INTRODUCTION

The total area of Indonesian waters is 6.4 million km², with 290 thousand km² of territorial sea area, the area of inland waters and Indonesian archipelagic waters is 3.110 million km², and 3 million km² of waters of the Exclusive Economic Zone (EEZ). The Ministry of Maritime Affairs and Fisheries stated that there are 17,504 islands in Indonesia, including 8,651 islands that have been named and 8,853 islands that have not been named (Chaturvedi et al., 2020). Then it was also

stated that 9,842 islands had been verified and 4,981 islands had been registered with the United Nations. This proves that the sea area of Indonesia's territory is wider than the land area, providing a lot of potential for high economic value but also requires more supervision in managing these islands (Putri & Salim, 2020).

In Article 1 paragraph (2) of the Basic Agrarian Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which states that "The entire earth, water and space, including the natural resources contained therein within the territory of the Republic of Indonesia as a gift from God Almighty, are the earth, water and space of the Indonesian nation and constitute national wealth" (Respationo et al., 2022). This clause explains that all natural resources in Indonesia, including those in the form of Small Islands, must be managed and appropriately protected to preserve nature and its legal protection (Sahri et al., 2020).

The debate over the issue of buying and selling islands in Indonesia has existed since 2007, and then it was proven in 2009 through the *privateislandsonline.com* website that several islands in Indonesia were advertised for trading. Some are Macaroni Island, Kandui Island and Siloinak Island (Li et al., 2021). In 2018 it happened again that one of the small uninhabited islands, Pulau Ajab in the Riau Archipelago, was sold for \$3.3 million or around Rp. 44 billion, advertised on the same online website with ownership status that reads freehold, which, when interpreted in property terms, means permanent ownership or title to land or property with the freedom to renovate and sell it. In contrast to the leasehold or leasing status, we have the right to use the property, but it is limited by a certain period, so this property does not belong to us (Ye et al., 2018).

Whereas in the UUPA, it is stated that foreigners only have land rights status, namely the Right to Use (Article 42) and Right to Rent (Article 45), as long as they want to have a place to live or set up a business in Indonesia. Article 26 paragraph (2) of the UUPA states that the sale and purchase will be null and void, and the land will fall to the state if there is a direct or indirect act of transferring property rights to foreigners, a citizen who in addition to Indonesian citizenship has foreign citizenship or to a legal entity, except those stipulated by the Government (Dewi & Budiana, 2021). However, it must be admitted that the UUPA is still not able to completely resolve the existing problems relating to the ownership and control of land and natural resources, both regarding the dualism of colonial law and customary law, which are based on exploitation and feudalism, as well as land use planning has not been maximized so that in practice many foreigners control land with the status of property rights (Abby et al., 2019).

On the basis of the preceding context, the author wishes to explore and analyze the issues surrounding the origins of the sale and purchase agreement of Small Islands to Foreign Citizens on Indonesian territory. And, from the standpoint of agrarian law, what are the legal repercussions of the sale and purchase agreement for Small Islands on the territory of Indonesia to Foreign Citizens? Then, what role does the Regional Government play in safeguarding Indonesia's Small Islands.

II. RESEARCH METHODS

The type of research in this writing is normative juridical research, namely legal research conducted by examining primary and secondary legal materials. At the same time, the approach method used in this research is a statutory and conceptual approach. Then the technique of analyzing legal materials in this study is a content analysis approach. The discussion in the content analysis of the information obtained, both written and printed in the mass media has the nature of an in-depth discussion by linking the facts and applicable regulations. In this content analysis approach, explanatory, descriptive content analysis is used, describing a specific text in detail and providing answers to a hypothesis related to research.

III. DISCUSSION RESULTS

The Background of the Sale and Purchase Agreement of Small Islands to Foreign Citizens in the Territory of Indonesia

Issues regarding leasing or even selling Small Islands to private or foreign parties, as well as conflicts over land tenure and ownership on Small Islands, are serious issues that need to be anticipated and addressed immediately. Issues regarding the control of the Small Islands by the private sector or foreign parties arose in early 2007 in the East Nusa Tenggara region, then resurfaced in 2012 and at the end of 2014 with the mode of selling the islands through advertising in online media (Bainton et al., 2022). This condition alerts us that if the Small Islands do not get attention and are appropriately managed, it will threaten the integrity of the Unitary State of the Republic of Indonesia through the control and ownership of foreigners over the Small Islands in Indonesia. Several factors influence the backdrop of the sale and purchase agreement of Small Islands to Foreign Citizens on the territory of Indonesia, including:

a. Juridical Aspect

From the juridical aspect, there are regulations relating to land rights owned by foreign nationals in the territory of Indonesia. In Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, Article 4 paragraphs (1) and (2) states that based on the right of control from the state, various types of land rights can be granted to individuals, groups or legal entities, where this land right gives the authority to utilize and use it which is directly related to the land, with the limitations of the UUPA and other higher regulations. Foreign citizens in Indonesia can control the land with the Right to Use or the Right to Rent and own the building erected on it. In addition, the control of land by foreign citizens and foreign legal entities with representatives in Indonesia is governed by Articles 41 and 42 of the UUPA, which are further enshrined in Government Regulation of the Republic of Indonesia No. 40 of 1996 concerning Cultivation Rights, Building Use Rights, and Land Use Rights, which is the implementation of Article 33 paragraph (3) of the 1945 Constitution (Tacconi & Muttaqin, 2019).

Foreigners may govern and utilize land with Ownership Rights, Cultivation Rights, and Building Use Rights in certain circumstances. Even so, only one year is permitted for those who get it through an Ab Intestato inheritance (832 Civil Code).

b. Socio-Economic Aspect

Multiple features, such as poverty, socio-cultural backwardness, and a lack of human resources, are typical of the status of coastal settlements and tiny islands in a variety of regions (HR). From the socio-economic point of view, the majority of the people work as fishermen, classified by economists as having the characteristics of poverty because it is related to the resources and technology used by fishermen, which are still less efficient, so they are classified as being in a low level of welfare, consequently, the majority of coastal towns still have a low level of education. In addition, the environmental conditions of coastal community settlements, particularly those of fishermen, remain unorganized and slum-like (Kallis et al., 2022).

Law No. 5 of 1960 concerning Basic Agrarian Principles, more popularly called the Basic Agrarian Law (UUPA), contains articles that are not always clear. The reach to provide answers to various problems in the community is still low, for example, related to the prohibition of ownership of Hak Milik land by foreigners. The UUPA does not provide articles that can immediately be used to resolve legal issues. Scholten, in this case, says that it is an imaginary thing if people think that the law has completely regulated everything, legal regulations are incomplete and cannot be complete.

The UUPA regulations, which still cannot reach and make people understand the land rights regulations in Indonesia, make community groups in the Small Islands have different preferences. These different preferences occur between indigenous peoples and local

communities or several sectors, where these indigenous peoples already have strong ties and ties to the land in the Small Islands that come from their ancestors. Therefore they will continue to uphold and maintain the traditions passed down from generation to generation from their predecessors who were already on the lands of the islands they live in so that they will not necessarily trade land rights on the Small Islands. This is different from the case with local communities or several sectors who feel they have power over land rights in the Small Islands, so they want to take the opportunity to take advantage of the natural and human resources in the Small Islands for personal or specific group interests.

c. Political Aspect

The Ministry of Maritime Affairs and Fisheries stated that out of a total of 17,504 islands in Indonesia, there are still 8,853 islands that have not been named. This condition shows that our nation does not yet have the right strategy to manage the existing Small Islands area in the regional context. The existence of valid and actual data regarding the number of islands is still problematic, so it is natural that the management strategy is still questionable (Zhang et al., 2018).

In addition, it is related to the unfinished determination of the border between Small Islands and neighboring countries, which is still a potential source of dispute. The gap between the regulations stipulated, and the legal reality that occurs in society is still felt today. According to Sumarja, the law could contain weaknesses or defects from when it was enacted or born, considering that many factors gave birth to the disabling condition. Not infrequently, the weakness of the law that is formed is only seen by changes in a country's socio-economic and political conditions over time. This is in line with S. Poerwopranoto, that as long as the prohibition on selling land to foreigners still exists foreigners will try to violate it.

The regulation of land rights for foreigners should guarantee legal protection of Indonesian citizens' land rights from foreign exploitation so that no foreigner can own Hak Milik land. This gap can occur because, in addition to weaknesses in the rules of absolute power institutions, the government has issued many laws and regulations that are inconsistent/do not support the position of Article 9 paragraph (1), Article 21 paragraph (1) and (3) and Article 26 paragraph (2) UUPA, as a legal policy prohibiting foreign ownership of property rights.

d. Land Management Aspect

The need for the management of Small Islands is realized because Small Islands have an essential meaning for defense and security, economic interests and ecological interests (Sun et al., 2021). Moreover, these Small Islands are ecologically separated from the main island and have definite boundaries and are isolated from other habitats, with an area of less than 10,000 km² or normatively stated in Law no. 27 of 2007 concerning Management of Coastal Areas and Small Islands that Small Island is an island with an area smaller than or equal to 2,000 km² and its ecosystem unity. However, in the management of Small Islands, several problems were found related to land management aspects, namely:

- a) The regulation of control and ownership of land is not yet precise, causing conflicts of control and ownership;
- b) The whole plots of land have not been mapped;
- c) The emergence of conflicts over the use and utilization of the land;
- d) There is institutional confusion between ministries/agencies and local governments;
- e) There is no harmony between the mechanism for permitting the use of space/land and the processes for granting rights to the land.

Concerning the above, the arrangement of land tenure and ownership on Small Islands is a top priority in management, considering that the legal relationship between the subject and object of land rights is the essential factor in this region. Suppose the structuring of land

tenure in the Small Islands has been carried out. In that case, a management strategy can only be formulated that includes aspects of integration, institutional authority and community participation so that the Small Islands can be used optimally while maintaining sustainability.

e. Ecological Aspect

Small islands have specific characteristics when compared to mainland areas in general. In addition to their limited area, small islands also have vulnerabilities due to their geographical conditions, both in terms of biophysical and socio-economic aspects. In addition, the Small Islands have conservation areas that regulate the global climate, hydrological and biogeochemical cycles to absorb waste, germplasm sources, alternative energy sources, and other life support systems, which are the elaboration of ecological function systems (Hamza et al., 2021).

From this ecological aspect, Small Islands have great potential to be utilized by residents as well as from various national and foreign sectors for the exploitation of natural resources, both land and water, in the Small Islands' territory, which can threaten national stability and security.

Legal Consequences Following the Sale-and-Purchase Agreement of Small Islands on the Sovereignty of Indonesia to Foreign Nationals from an Agrarian Law Perspective

Article 9 jo. Article 11 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 17 of 2016 concerning Land Arrangement in Coastal Areas and Small Islands stipulates that land rights can be granted on small islands. Land rights on small islands are granted in accordance with applicable laws. Land Rights in question are rights as regulated in Article 16 of the Basic Agrarian Law, namely:

- a). Right of ownership,
- b). Cultivation Rights,
- c). Building rights,
- d). Right of Use,
- e). Building Lease Rights,
- f). Land Clearing Rights,
- g). Right to Collect Forest Products,
- h). Other rights not included in the abovementioned rights will be stipulated by law, as well as rights of a temporary nature, as mentioned in Article 53 (Paryanto, 2021).

However, land rights that can be obtained by foreigners and foreign legal entities that have representation in Indonesia are only usufructuary rights and rental rights (Article 42 in conjunction with Article 45 of the UUPA). The Right of Use that foreigners can own is regulated in Part VI Articles 41 and 42 of the UUPA, further held in PP No. 40 of 1996 concerning Cultivation Rights, Building Use Rights, and Land Use Rights.

The legal subject of the Right to Use is clarified with a complete description in Article 39 of PP Number 40 of 1996 concerning Business Use Rights, Building Use Rights and Land Use Rights, namely:

- a). Indonesian citizens;
- b). A legal entity established under Indonesian law and domiciled in Indonesia;
- c). Departments, Non-Departmental Government Agencies, and Local Governments;
- d). Religious and social bodies
- e). Foreigners domiciled in Indonesia;
- f). Foreign legal entities that have representatives in Indonesia;
- g). Representatives of foreign countries and international bodies (Finck & Moscon, 2019).

Article 9, paragraph (1) of the UUPA stipulates that only Indonesian citizens are permitted to enjoy a complete relationship with the earth, water, and space. According to Article 21, paragraph (1) of the UUPA, only Indonesian citizens may possess property rights. A Right of Use may be given

to foreign persons residing in Indonesia and foreign legal entities with representatives in Indonesia. Article 26 paragraph 2 of the UUPA contains provisions about the requirements for the subject of rights, especially for foreigners, along with sanctions for violations. In the event of a violation of these laws, the transfer of property rights to foreigners is void and the land rights revert to the state.

“Every sale and purchase, exchange, gift, gift by will and other acts intended to directly or indirectly transfer property rights to a foreigner, to a citizen who in addition to his Indonesian citizenship has foreign citizenship or to a legal entity, except those stipulated by the Government as referred to in article 21 paragraph (2), are null and void because the law and the land fall to the State, provided that the rights of other parties that burden him continue and all payments that the owner has received cannot be reclaimed”.

In addition to the Right to Use, foreigners can own The Lease Rights for the buildings in question only intended for the buildings, not as Lease Rights for agricultural land in Article 10 of the UUPA. In a rental agreement, an intended rental right is a type of legal relationship that allows a house or building that already existing on a piece of land to be inhabited without control of the land rights in exchange for rent (Harry & Imam, 2022).

Other regulations that discuss land tenure that foreigners can own are Government Regulation Number 103 of 2015 concerning the Ownership of Residential Houses or Occupancy by Foreigners Domiciled in Indonesia, whereas in Article 2 paragraph (1), it is stated that foreigners can own a house for residence or dwelling with a Right of Use whose land status from the Single House can be in the form of a Right of Use and a Right of Use over a Right of Ownership with each term of 30 years and Flats Units, which are then shortened to Sarusun, can be built on Hak-Use land, but on condition that foreigners must have a residence permit in Indonesia following the prevailing laws and regulations.

Then, it is added to Article 4 paragraph (1) letter a number 3 of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Regulation No. 29 of 2016 regarding Procedures for Granting, Leasing, or Transfer of Ownership Rights to Residential or Occupant Houses by Foreigners Domiciled in Indonesia, that Single Houses for foreigners can be given on land with Right of Use originating from changes in Ownership Rights or Building Use Rights and in letter b number 2 that Flats can be owned by foreigners originating from differences in Ownership of Flats Units by way of buying and selling, grants, exchanges, and auctions, as well as other means intended to transfer rights, then the land with Ownership Rights or Building Use Rights or Ownership Rights on the Flat Units are granted with a change to Use Use Rights for Foreigners or Use Use Rights for Flat Units for Foreigners (Article 6) (Salain et al., 2022).

After explaining the regulations on land rights that foreigners can own, it is clear that foreigners cannot enter into a land sale and purchase agreement on property rights owned by Indonesian citizens. Moreover, the land located in the Small Islands is land that is protected and owned directly by the state, as stated in Article 24 of Law no. 27 of 2007 concerning the Management of Coastal Areas and Small Islands: “Small islands, charred islands, atolls, and coral clusters which are designated as the starting point for measuring Indonesian waters are determined by the Minister as protected areas”.

However, Article 9 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 17 of 2016 concerning Land Arrangement in Coastal Areas and Small Islands stipulates that land rights can be granted to Small Islands, but only under strict conditions. namely by pay attention to the following:

- a. Control over Small Islands limited to no more than 70% (seventy percent) of the island's total area, or in accordance with the provincial/district/city spatial layout plan and the small island zoning plan.
- b. At least thirty percent (thirty percent) of the remaining tiny islands are directly managed and exploited by the state for protected areas, public spaces, or community interests.

- c. Must designate 30% (30%) of the island's area as protected areas (Al-Hakim et al., 2021). Then the control and ownership of land on small islands may not close public access as stated in Article 10 paragraph (2) of the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency, namely:
- d. Access for individuals or groups to take refuge, rescue themselves, and seek assistance in shipping;
- e. Access to persons or groups having formal permits to conduct education, research, conservation, and preservation-related activities.

In addition to the requirements stipulated in the legislation regarding the granting of Land Rights, the granting of Land Rights in Small Islands must also meet the needs following Article 11 paragraph (2) of the Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency, namely:

- a. The designation follows the provincial/district/municipal spatial layout plan or the zoning plan for Small Islands;
- b. Obtain recommendations from the provincial/district/city government if the land allocation has not been regulated in the RT/RW;
- c. Comply with the licensing requirements of the relevant agencies (Darmadi et al., 2022).

Several aspects of the aforementioned rules and regulations lead to the conclusion that these restrictions still lend themselves to different interpretations that may not be appropriately applied. In coastal areas and Small Islands, the appearance of overlapping norms and diverse interpretations by all stakeholders generates chaos in the control and use of land, which directly affects the community and the resources themselves. Moreover, the characteristics of coastal communities and small islands tend to be unfamiliar with positive Indonesian law.

The Role of Local Governments in Protecting Small Islands in Indonesian Territory

As a state of law, Indonesia has various rules, including regarding control over Indonesian territory, earth, water, and space. The Basic Agrarian Law (UUPA) regulates the supply, designation and use of land, water and space. This is as stated in Article 14 of the UUPA, namely:

- f. Taking into account the provisions of Article 2, paragraphs (2) and (3), Article 9, paragraphs (2), and Article 10, paragraphs (1) and (2), the government shall, within the context of Indonesian socialism, formulate a general plan for supplies, the designation and use of the earth, water, and space, as well as their natural resources:
 - a) for the needs of the state;
 - b) for worship and other sacred purposes, following the basis of the One Godhead;
 - c) for the community, social, cultural and other welfare centers;
 - d) to develop agricultural, animal husbandry and fishery production and, in line with that;
 - e) to build industry, transmigration and mining (Istinah et al., 2021).
- g. The Regional Government shall govern the supply, designation, and use of earth, water, and space for their respective regions according to the conditions of each region, based on the overall plan referred to in paragraph (1) of this article and taking into account the necessary legislation (Zheng et al., 2021).
- h. The Regional Government Regulations referred to in paragraph (2) of this article shall come into force after obtaining ratification regarding Level I Regions from the President, Level II Regions from the relevant Governor/Head of Region and Level III Regions from the Regent/Mayor/Head of Region concerned (Sahri et al., 2020).

It has been stated in Article 14 paragraph (2) of the UUPA that the general plan for the supply, designation, and use of earth, water and space is carried out following the existing conditions in their respective regions, either at the provincial level or at the regency/city level. However, in terms of the supply, designation, and use of the earth, water and space, it must first obtain approval, which in Article paragraph (3) divides the Regions into Level 1 Regions, Level II Regions, and Level

III Regions, where each level of the region is authorized at the Level I Region, namely from the President, Level II Region from the Governor and Level III Region from the Regent/Mayor.

As is known from the description above, the state has the authority to exercise control over the territory of Indonesia. A portion of the state's control over Indonesia's territory is then allocated to the Regional Government. Through Law Number 23 of 2014 concerning Regional Government, the government grants Regional Governments the authority to exercise regional autonomy in this instance. Regional autonomy is the right, responsibility, and obligation of autonomous regions within the structure of the Unitary State of the Republic of Indonesia to administer and manage their government affairs and the interests of local populations.

The division of government affairs between the government and the Regional Government is a result of regional autonomy. Article 2 paragraph 4 of Government Regulation Number 38 of 2007 regarding the Division of Government Affairs between the Government, Provincial Governments, and Regency/City Regional Governments lists 31 (thirty-one) Government Affairs that Regency/Municipal Governments are required to carry out, one of which is related to land and spatial planning. Therefore, the Regional Government has the competence to control land-related government affairs within its jurisdiction.

The authority of the Regional Government also includes the authority to carry out the management of coastal areas and Small Islands. As mentioned in Article 5 and Article 6 of Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, from now on referred to as Law PWP-3-K, it is stated that: "Management of Coastal Areas and Small Islands includes planning, utilization, supervision and control of human interaction in utilizing Coastal Resources and Small Islands as well as natural processes sustainably to improve the welfare of the community and maintain the integrity of the Unitary State of the Republic of Indonesia."

Meanwhile, as continued in Article 6, it states that: "Management of Coastal Areas and Small Islands as referred to in Article 5 must be carried out by integrating activities:

- a. Between the Government and Local Governments;
- b. Inter-Local Governments;
- c. Intersectoral;
- d. Between the government, the business world, and the community;
- e. Between terrestrial and marine ecosystems;
- f. Between science and management principles" (Randazzo & Lanza, 2020).

In addition to what has been mentioned in Article 6 above, the provisions on the authority of the Regional Government are also stated in Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands, which regulates the Zoning Plan for Coastal Areas and Small Islands (RZWP-3-K) Province (Article 10) and Regency/City Zoning Plan for Coastal Zone and Small Islands (RZWP-3-K) (Article 11).

To form good and effective regulations, the Regional Government must carry out planning. According to Kelly and Becker, planning generally includes the following activities:

- a. Data collection;
- b. To estimate future trends that may occur;
- c. Considering various alternative scenarios;
- d. Cost-benefit analysis of the possible scenarios;
- e. Choose the best/desired scenario;
- f. Planning the implementation (the plan of implementation) (Michaelakis et al., 2021).

Efforts made by the Regional Government to protect its territory, particularly regarding the protection of Small Islands, are by establishing a Regional Regulation specifically made to protect the Small Islands. One example of a province that has a Regional Regulation aimed at protecting Small Islands is the Province of West Sumatra. These regional regulations are the West Sumatra Provincial Regulation Number 2 of 2010 concerning the Management of Coastal Areas and Small

Islands, as well as the West Sumatra Provincial Regulation Number 2 of 2018 concerning the Zoning Plan for the Coastal Zone and Small Islands of West Sumatra Province for 2018-2038.

The existence of these two Regional Regulations is a provision explicitly made and applies to the region itself or within its jurisdiction, in this case, the Regional Government of the Province of West Sumatra. Therefore, the Regional Government has a vital role in forming regulations that will later function properly, namely as a benchmark or benchmark for legal subjects, which in this case specifically relates to the rules regarding the protection of Small Islands.

CONCLUSION

Legal, socioeconomic, political, land management, and ecological factors influence the background of the sale and purchase agreement of Small Islands to Foreign Citizens in Indonesia. Legal Consequences of the Sale and Purchase of Small Islands in the Territory of Indonesia to Foreign Nationals (WNA) From the perspective of agrarian law, when the sale and purchase of Small Islands is conducted against Foreign Nationals, it results in changes to the status of land rights, namely Use Rights and Lease Rights. Moreover, in terms of property, foreigners can gain Ownership Rights on Flat Units, which can be utilized to govern land in Indonesia.

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