



# Indonesia's New Business Licensing Paradigm: Implications of Recent Deregulatory Reforms on Land Acquisition and Use

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## Summary

- Through the Omnibus Bill, expansion of Special Economic Zones, and institution of National Strategic Projects, the Government of Indonesia aims to use deregulatory reforms to stimulate investment by streamlining permitting, licensing, and land acquisition.
- Recently promulgated legislation created the risk-based licensing framework while expanding the use of the Online Single Submission system, Service Level Agreements, and fictitious positive administrative decisions, which require the automatic approval of projects if administrators fail to process permits within a prescribed timeline.
- Though new provisions will streamline land acquisition for businesses, individuals and communities face new obstacles to land procurement.
- Strong enforcement of newly fortified sanctions will be critical for accountability amidst widespread sectoral deregulation, particularly in the forestry sector, as expansion of risk-based licensing could lead to increased deforestation.

## Background

Land policy has long been a powerful tool for promoting and shaping economic development and land use in Indonesia, shifting over the decades alongside leadership and national priorities. The Dutch colonial domain declaration<sup>1</sup> declared all land state-controlled, creating a precedent which continued through President Sukarno's Basic Agrarian Law (1960), which solidified state-ownership of customary land for decades. Throughout the New Order (1966-1998), President Suharto's government expanded state control of forests through the Basic Forestry Law (1967), which designated all customary forests as state forests. State supersession of land ownership became a

focal point of protests throughout the post-Suharto Reformation period,<sup>2</sup> and in response, President B.J. Habibie's administration instituted sweeping decentralization. Although these reforms largely delegated authority over land administration and allocation to regional governments, the central government maintained control of land classified as forests, which today makes up 48% of all land in Indonesia.<sup>3,4</sup> Central administration of forests, alongside central authority to claim land for defense and security purposes, has resulted in a complex land tenure system with numerous overlapping policies and priorities.<sup>5</sup>

Like his predecessors, President Jokowi used land policy as a tool to implement his policy agenda. The Jokowi administration emphasized downstreaming of industrial processes to increase commodity export values,<sup>6</sup> supported by ambitious legislation enacting infrastructure initiatives and overhauling business permitting. To this end, President Jokowi signed two pieces of legislation to provide government support for large-scale investment projects: Presidential Regulation Number 3 of 2016 concerning the Acceleration of Implementation of National Strategic Projects, as subsequently amended, and Presidential Regulation 40 of 2021 on the Implementation of Special Economic Zones. In his second term, President Jokowi signed Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation - known as the Omnibus Law - alongside 49 supplemental regulations, instituting sweeping changes and establishing the risk-based licensing framework.<sup>7</sup>

Aimed at encouraging business development, risk-based licensing clarified the permitting process for businesses operating in Indonesia, reducing the overall volume of documentation needed to register low and medium-low risk businesses and streamlining permit processing through the creation of the Online Single Submission (OSS) system. Businesses operating in Indonesia welcomed these regulatory changes,<sup>8</sup> prompting Jokowi's successor, President Prabowo, to continue this initiative. In June 2025, President Prabowo signed Government Regulation Number 28 of 2025 on Implementation of Risk-Based Business Licensing (PP No. 28/2025),<sup>9</sup> increasing the number of businesses subject to risk-based licensing, integrating all permit applications into the OSS system, and further decentralizing permit application review and approval.<sup>10</sup> Combined, recent regulatory changes - creation of National Strategic Projects (*Proyek Strategis Nasional*, or PSN), expansion of Special Economic Zones (*Kawasan Ekonomi Khusus*, or KEK), and institution of risk-based licensing - will streamline permitting and enable faster project development, but may result in reduced community and environmental oversight.

## National Strategic Projects

National Strategic Projects are infrastructure and development projects aimed at increasing economic development in alignment with national policy priorities. Established in 2016 by President Jokowi, past projects include the creation of new healthcare and education facilities, expansion of food and energy estates, and infrastructure projects such as toll roads and ports. Projects can be planned and operated by the central government, regional governments, or businesses, but must have a minimum value of Rp100 billion (\$6 million) to be classified as a PSN.<sup>11</sup> To accelerate the uptake of these projects, former President Jokowi signed Government Regulation Number 42 of 2021 concerning Facilitation of National Strategic Projects (PP No. 42/2021), streamlining land acquisition, planning, permitting, and construction, while increasing monetary and physical capital investment.<sup>12</sup>

Projects classified as PSN enjoy relaxed regulations throughout the procurement, registration, and construction process, as PP No. 42/2021 explicitly compels ministers and regional authorities to

not only propose and initiate projects, but also accelerate their permitting.<sup>12</sup> Further, ministers are required to assist in the spatial planning, land procurement, and environmental study processes, giving National Strategic Projects a cost advantage - projects lacking this designation typically must hire consultancy services to assist with project planning. Other Omnibus Provisions, such as Government Regulation Number 23 of 2021 on Forestry Management, allow for hastened conflict resolution when converting forest areas for projects designated as PSN, encouraging officials to propose forest areas for conversion.<sup>13,14</sup> Additionally, if spatial planning conflicts occur, these projects can continue development while differences are resolved. Government support through eased permitting and implementation has successfully led to increased investment; between 2016 and 2024, the Government of Indonesia (GOI) completed 195 National Strategic Projects valued at Rp1,519 trillion (\$90 billion), with 90 more projects worth Rp2,961 trillion (\$176 billion) under development.

## Nusantara Capital City: National Strategic Project in East Kalimantan

In 2019, the GOI announced the construction of Nusantara Capital City (*Ibu Kota Nusantara*, or IKN), a National Strategic Project initiated to move the national capital from the densely-populated Jakarta to the island of Borneo.<sup>15</sup> Initial planning projected that IKN would encompass 256,142 ha and cost over Rp252 trillion (\$15 billion). To obtain the necessary land, the GOI relied on Government Regulation 39 of 2023 on Land Acquisition to Support Public Interest, which allows the government to exercise domain over land in order to facilitate project development for National Strategic Projects.<sup>16</sup> The central government committed to providing about 20% of the needed funds, with the remaining 80% financed through public-private partnerships (PPPs). Under PP No. 42/2021, PPPs that contributed funds received a 100% corporate tax exemption for up to 30 years (for investments of Rp10 billion (nearly \$600,000)), extended land rights for up to 190 years, and accelerated land acquisition, permitting, and licensing, incentivizing partnerships on this project.<sup>12,17</sup>

Public criticism against the project has grown as the project failed to reach deadlines or attract sufficient foreign investment.<sup>18</sup> Indigenous communities reported damage to mangroves, coral, and fisheries, and a lack of financial compensation for land.<sup>19</sup> Further damage to critical ecosystems, such as mangroves, damaged fisheries and hindered project sustainability.<sup>20,21</sup> In 2025, under dwindling government support and stalled funding, the GOI demoted IKN from the designation of national capital to a “political capital”.<sup>18</sup>

## Special Economic Zones

First initiated in 2009, Indonesian Special Economic Zones are areas designated for stimulating economic growth in a specific sector. These zones can act as a component of National Strategic Projects or function as independent investment areas, and are provided with unique financial and legal incentives, allowing central and regional governments to grant 80-year land titles for industry and tourism, far exceeding the typical 25-year land title duration. Several zones have invested in nickel and metal manufacturing, while others encourage the creation of tourism sites and technology



centers outside of Java. For example, the Sorong KEK features palm oil refineries, nickel processing and manufacturing facilities, and food production sites.<sup>22</sup> The Omnibus Law instituted Government Regulation Number 40 of 2021 on the Implementation of KEKs (PP No. 40/2021), creating legal mechanisms to accelerate the process of permitting for KEKs and provide financial benefits.

Due to their alignment with national interests, projects designated as KEK enjoy many benefits. Under PP No. 40/2021, KEK administrators can review permits using risk-based licensing, functioning as semi-autonomous permitting enclaves.<sup>23</sup> Its successor, PP No. 28/2025, took this further, giving KEK administrators sole authority to review, process, and issue land use approval, environmental approval, and permit verification,<sup>24</sup> minimizing the number of ministries involved in the review process and expediting approval. New KEK projects constructed within existing zones receive automatic OSS approval for spatial planning, exempting them from technical and environmental assessment, and are also exempted from Indonesian National Standards.<sup>23</sup> Additionally, ancillary financial and legal incentives provide a tax holiday for up to 20 years and exempt businesses from value-added tax.<sup>25</sup>

### Recent Permitting Reforms

Over the last five years, the business permitting landscape has undergone several reforms and deregulatory changes to promote national development. Starting in October of 2025, all businesses will be subject to PP No. 28/2025, its implementation overseen by the Ministry of Investment (BKPM).<sup>10</sup> The central government’s regulatory body created the framework for determining business risk, in accordance with the norms, criteria, and procedures that ministers, regional governments, and administrators use to classify each project’s risk. PP No. 28/2025 contains several appendices with tables outlining the process for determining risk level and necessary documentation, in alignment with project scope. Under this framework, projects are assigned one of four levels of risk: low, medium-low, medium-high, and high, and must obtain permits in accordance with their risk level (see Table 1).

**Table 1. Permitting documents required by project risk level.**

Permitting Requirements		Risk Level			
Permit	Description	Low	Medium-low	Medium-high	High
Business Identification Number	Automatically assigned by the OSS system when a business creates an account. <sup>26</sup>	✓	✓	✓	✓
Automatic Standard Certificate	Statement of compliance with standards and approval to begin operations. <sup>26,27</sup>		✓	✓	
Statement of Capability for Environmental Management and Monitoring Commitment	Statement from a business promising compliance with environmental standards. <sup>28</sup>		✓		

Permitting Requirements		Risk Level			
Permit	Description	Low	Medium-low	Medium-high	High
Agency-verified Standard Certificate	Statement of compliance with business standards, verified by a minister or administrator. Once received, a business may start commercial activities. <sup>26,27</sup>			✓	
Operating Permit	Granted by the local or central government, allowing the business permission to operate. <sup>26</sup> To obtain a permit, businesses must submit additional documents depending on their activities, which may include land use, environmental, or building approval. <sup>29</sup>				✓

Under the recently promulgated PP No. 28/2025, which resulted in full integration of the OSS system and the expanded use of risk-based licensing, Service Level Agreements, and the fictitious positive, project permitting timelines will likely decrease. Historically, to apply for permits, businesses had to upload documentation across multiple platforms. Full integration of the OSS system allows individuals to register a business and apply for Supporting Business Licenses and environmental approval on one website. Medium-high and high-risk projects must submit additional documents to obtain environmental approval.<sup>28</sup> Previously, these applications required businesses to complete documentation across a variety of platforms to reach various authorities. However, full integration of the OSS system allows authorities such as ministers, governors, mayors, and KEK administrators to view applications directly online.

Previously, extensive permitting requirements and uncertain processing timelines slowed development of medium-high and high-risk projects. To standardize approval timelines, PP No. 28/2025 introduced the use of Service Level Agreements and the fictitious positive. Service Level Agreements prescribe application approval timelines for each stage of the licensing process, while under the fictitious positive, applications are automatically approved if administrators fail to process permits within the prescribed timeline. Prior to passage of PP No. 28/2025, these provisions only applied to projects with PSN designation, but now, they have been expanded to cover all business activities, including medium-high and high-risk projects.<sup>30</sup> For example, under this bill, land use approvals must be processed within 20 days in areas with pre-existing Detailed Spatial Plans, and Environmental Impact Analysis documents must be reviewed within 93 days of submission.<sup>31</sup> Land use approvals or Environmental Impact Analysis applications not reviewed within these timelines will now be automatically approved, in alignment with the fictitious positive.<sup>32</sup> Additionally, administrators who fail to review and process applications are subject to new administrative sanctions, further incentivizing prompt application review.

## Implications

### ***Strengthened Project Oversight***

PP No. 28/2025 standardized many administrative processes, clarifying approval timelines and oversight processes. This legislation established two forms of oversight, routine and incidental, and provided additional clarification on the tiered sanctions and penalties associated with violations in each sector, incorporating these penalties into the OSS system. Businesses found to be in violation of permitting and licensing agreements are subject to fines, revocation of business licenses, publication of their history of noncompliance on the OSS system, and forced business closure or building demolition.<sup>26</sup> The harsher financial penalties instituted under PP No. 28/2025 may encourage compliance with environmental licenses and business permits, but strong enforcement of new sanctions, especially in the agriculture and forestry sectors, will be crucial to preventing exploitation of Indonesia's forests, mangroves, and peatlands.

### ***Streamlined Project Development***

Prior to implementation of PP No. 28/2025, project permitting timelines varied greatly, creating an uncertain investment environment.<sup>33</sup> Use of Service Level Agreements and the fictitious positive could help standardize and shorten permitting timelines, also reducing bureaucratic discretion and use of “informal payments” throughout the licensing process.<sup>33</sup> Though this streamlining may encourage investment, the use of the fictitious positive will reduce human oversight in project selection, an issue that may be exacerbated by the National Economic Council of Indonesia's plans to integrate artificial intelligence (AI) into the OSS system as part of the broader Government Technology (GovTech) initiative.<sup>34</sup> Broader use of AI technology and steps toward automated governance has the potential to exacerbate inequalities and worsen already-contentious land disputes.

### ***Local Land Tenure and Permitting Reform***

In Indonesia, individual and community land ownership remains persistently low. Though historically customary communities could obtain rights to their land using historic record of ownership (*Girik* legal status), under the Omnibus Bill's implementing regulation, communities must register land through the Complete Systematic Land Program (*Pendaftaran Tanah Sistematis Lengkap*, or PTSL) to begin the land ownership process.<sup>35</sup> Starting in 2026, customary communities will have to submit a statement verifying that their land is neither disputed nor a government asset, a difficult feat given the ubiquity of community land disputes.<sup>36</sup> Though this program aims to address existing land conflicts and standardize government land data, PTSL has the potential to erode customary community ownership in favor of individualized ownership, further marking land as an individual monetary asset over a community resource.<sup>37-39</sup> Additionally, individuals and communities are granted shorter land titles than businesses; individual land titles (*Hak Pakai*) are granted for only 30 years, with a maximum extension of 80 years total.<sup>40</sup> Recent reforms also limit community involvement in business acquisition of local land. Under the Omnibus Bill, communities that object to projects designated as PSN forfeit the right to compensation for their land or tax incentives associated with project development. This bill also eliminates the community approval requirement from the Environmental Impact Analysis permitting process, delegating this process to an Environmental Feasibility Testing Team selected by the central government.<sup>28</sup>

## ***Challenges for Forest Preservation***

Expanding the use of the fictitious positive beyond projects designated as PSN or KEK could compound stress on Indonesia's forests and protected areas. Under this mechanism, all business projects can now receive automated approval for technical forest utilization approval as well as permission to begin clearing land while preparing Environmental Impact Analysis documents. This temporal decoupling of land clearing and environmental approval may heighten the risk of expanded deforestation. Further, though most projects are still subject to the permanent moratorium on clearing primary natural forests and peatlands, projects designated as PSN or KEK are exempt from this ban.<sup>41</sup> Relaxed clearing regulations and fast-tracked development could accelerate deforestation in Indonesia, the majority of which is driven by permanent agriculture and hard commodities, rates of which grew over the last two years.<sup>42</sup>

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