

**INDONESIAN REGULATION REGARDING PROPERTY OWNERSHIP AND INHERITANCE BY FOREIGNER IN INDONESIA
(AS OF MAY 28TH 2018)**

PROPERTY	BY FOREIGNER	BY INDONESIAN WHO MARRY A FOREIGNER
<p>OWNERSHIP</p>	<ol style="list-style-type: none"> 1. Single house on Right to Use Land (Article 4 Government Regulation number 103 year 2015 regarding Ownership of Shelter Or Residence by Foreigner based in Indonesia / "Gov.Reg. Number 103/2015") for 30 years + 20 years + 30 years (Article 6 Gov.Reg. Number 103/2015) 2. Apartment units built on Right to Use land (Article 4 Gov.Reg. Number 103/2015, and Article 1 paragraph 1 and 2 Regulation of the Minister of Agrarian Affairs and Spatial or Head of the National Land Agency of the Republic of Indonesia Number 13 of 2016 on Procedures for the Provision, Release or Transfer of Right to Ownership of Shelter or Residential Residence by Foreigners Based in Indonesia / "Agrarian Minister Reg. Number 13/2016") 3. New house or new Apartment under the title of Right to Use (Article 5 Gov.Reg. Number 103/2015) 4. Any property with Right to Use (Article 42 Indonesian Law number 5 year 1960 regarding Indonesian Agrarian Law / "Indonesian Agrarian Law") 5. Any property with Rent Rights Title (Article 45 Indonesian Agrarian Law) 	<ol style="list-style-type: none"> 1. Freehold Title. But such Indonesian must make a prenuptial agreement or marital wealth-separation agreement (after the wedding) between husband and wife by notarial deed. (Article 3 Gov.Reg. Number 103/2015) 2. Right to Use, if there is no prenuptial agreement or wealth-separation agreement between such husband and wife because it is considered as marital wealth (Indonesian Law Number 1 of 1974 on Marriage ("Indonesian Marital Law")

INHERITANCE

1. if such foreigners is pass away then **the foreigners can leave their property to the heirs of foreigners and/or Indonesian citizens** (Article 2 paragraph 3 Gov.Reg. Number 103/2015).
 2. **If the heir is a foreigners** then they **must have a resident permit in Indonesia**, and the property will remain a Right to Use Status (Article 2 paragraph 4 Gov.Reg. Number 103/2015).
 3. **If the heir is an Indonesian citizen**,such Indonesian shall be entitled to **increase** the status of the property **into a Freehold Title (Article 21 Indonesian Agrarian Law)**
 4. However, **if the foreigners (inherited of the property) is no longer domiciled in Indonesia**, then within a period of 1 (one) year such foreigners **must release or transfer (example: sell) the rights of such property to other parties** who qualify in accordance with the provisions of legislation. If more than 1 (one) year and an inherited foreigner who is no longer domiciled in Indonesia, has not transferred the rights to the property to another party, the property will be auctioned and the result of the auction shall be the right of the recipient of the inheritance (Article 10 Gov.Reg. Number 103/2015).
1. If the property is **under freehold title and the heirs is a foreigners** then they must have a resident permit in Indonesia, and **the property will remain a Right to Use Status** (Article 2 paragraph 4 Gov.Reg. Number 103/2015).
 2. If the **property is under freehold title** and the **heirs is an Indonesian**, then such Indonesian shall be entitled to the property with a **Freehold Title** (Article 21 Indonesian Agrarian Law)
 3. If the property is under **Right to Use** and the **heirs is a foreigners** then they must have a resident permit in Indonesia, and the property **will remain a Right to Use Status** (Article 2 paragraph 4 Gov.Reg. Number 103/2015).
 4. If the property is under **Right to Use and the heir is an Indonesian citizen**,such Indonesian shall be entitled to increase the status of the property into a Freehold Title (Article 21 Indonesian Agrarian Law).