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LAND CONTRIBUTION REGULATION AS AN INSTRUMENT FOR LAND CONSOLIDATION FINANCING: A COMPARISON OF INDONESIAN, JAPANESE, AND MALAYSIAN LAWS

PENGATURAN KONTRIBUSI TANAH SEBAGAI INSTRUMEN PEMBIAYAAN KONSOLIDASI TANAH: PERBANDINGAN HUKUM INDONESIA, JEPANG, DAN MALAYSIA

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Abstract

Land consolidation (land readjustment) depends on land contributions from participating owners, yet the legal regulation of these contributions as a financing instrument is rarely compared across jurisdictions. This article analyses the regulation of land contribution as a financing instrument for land consolidation in Indonesia, Japan and Malaysia through normative legal research with statutory, conceptual and comparative approaches. It examines the legal basis, competent institutions, forms and mechanisms of contribution (voluntary contribution and land deduction), owner consent, participation and compensation, and cost allocation, and it separates four functions that are often conflated: land provision, cost sharing, cost recovery and land value capture. The findings show that Indonesia (Ministerial Regulation of ATR/BPN No. 12 of 2019) is formally consent-based but obliges participants to surrender Tanah untuk Pembangunan (TP) once they join, ties the size of TP to financing needs without prescribing how it is determined, and leaves the accountability of jointly owned business land (TUB) unregulated. Japan (Land Readjustment Act 1954) embeds land deduction in a replotting procedure with statutory consent thresholds, value-based owner protection, a capped reserve-land mechanism and several public cost-sharing sources, yet projects remain only partly self-financing. Malaysia has no dedicated legal framework; surrender and re-alienation under the National Land Code is owner-initiated and state-authority-centred, and land readjustment pilots have stalled over funding, participation and legal gaps. The article concludes that Indonesia should specify the legal character of each financing function, the method for determining contribution, the accounting of reserve land and the protection of owners.

Keywords : Land Contribution, Land Consolidation, Land Readjustment, Cost Sharing, Comparative Law.

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Abstrak

Konsolidasi tanah bergantung pada kontribusi tanah dari pemilik yang menjadi peserta, tetapi pengaturan hukum atas kontribusi tersebut sebagai instrumen pembiayaan jarang dibandingkan antaryurisdiksi. Artikel ini menganalisis pengaturan kontribusi tanah sebagai instrumen pembiayaan konsolidasi tanah di Indonesia, Jepang, dan Malaysia melalui penelitian hukum normatif dengan pendekatan peraturan perundang-undangan, konseptual, dan perbandingan. Analisis mencakup dasar hukum, lembaga yang berwenang, bentuk dan mekanisme kontribusi (kontribusi sukarela dan pengurangan luas tanah), persetujuan, partisipasi, dan kompensasi, serta pembagian biaya, dengan memisahkan empat fungsi yang sering dicampuradukkan: penyediaan tanah, pembagian biaya, pemulihan biaya, dan penangkapan nilai tambah tanah. Hasil kajian menunjukkan bahwa Indonesia (Permen ATR/BPN Nomor 12 Tahun 2019) berbasis persetujuan tetapi mewajibkan peserta menyerahkan Tanah untuk Pembangunan (TP) setelah bergabung, mengaitkan luas TP dengan kebutuhan pembiayaan tanpa menetapkan metode penentuannya, dan belum mengatur pertanggungjawaban Tanah Usaha Bersama (TUB). Jepang (Land Readjustment Act 1954) menempatkan pengurangan luas dalam prosedur replotting dengan ambang persetujuan berjenjang, perlindungan nilai, tanah cadangan yang dibatasi nilainya, dan berbagai sumber pembagian biaya publik, tetapi proyek tetap hanya sebagian membiayai diri sendiri. Malaysia belum memiliki kerangka hukum khusus; mekanisme serah-balik dan kurnia semula dalam National Land Code bersifat inisiatif pemilik dan berpusat pada Pihak Berkuasa Negeri, sedangkan proyek percontohan land readjustment terhambat dana, partisipasi, dan kekosongan hukum. Indonesia perlu menegaskan karakter hukum tiap fungsi pembiayaan, metode penentuan kontribusi, pertanggungjawaban tanah cadangan, dan perlindungan pemilik tanah.

Kata Kunci : Kontribusi Tanah, Konsolidasi Tanah, Land Readjustment, Pembagian Biaya, Perbandingan Hukum.

1. INTRODUCTION

Population growth and urbanization increase the need for land for roads, open spaces, and public facilities, while land in strategic locations is fragmented into small parcels with multiple owners. Land acquisition through purchase or relinquishment of rights can be expensive, time-consuming, and prone to conflict. Land consolidation, known in many countries as land readjustment, offers an alternative: parcels are rezoned within a single project, a portion of each participant's land is allocated for shared needs, and each participant reclaims the rezoned parcel (Lai et al., 2022; Mugisha et al., 2023). The core of this mechanism is land contribution, which is the portion of a participant's land subtracted from the area of their previous parcel.

Land contribution has both spatial and financial dimensions. Spatially, the contributed land becomes infrastructure, facilities, and utilities. Financially, contributions save land acquisition costs and, in some models, generate reserve land that can be sold to cover project costs. These two dimensions can easily become intertwined. Muñoz Gielen and Mualam (2019) show that the effectiveness of land readjustment regulations depends on the certainty of land provision and financial means, the enforcer's coercive authority, and its relationship to land value capture instruments. In other words, the legal question is not simply whether participants provide land, but rather on what basis, with what financing function, and with what protection.

In Indonesia, land contributions are regulated by Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2019 concerning Land Consolidation (Permen ATR/BPN 12/2019). This regulation states that land consolidation is carried out in a participatory and voluntary manner (Article 4 paragraph (1)), but requires participants to surrender a portion of their land as Land for Development (TP) (Article 11 paragraph (1)) and to calculate the TP area based on infrastructure and financing needs (Article 11 paragraph (2)). The

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tension between voluntary and mandatory land use has not been widely analyzed as a legal issue, even though practice shows that participants' understanding of the economic value of contributions remains low (Nurrizki et al., 2025). Subekti et al. (2021) also noted that land allocated for public and social facilities is not accompanied by compensation.

Japan and Malaysia were chosen because they occupy two different points on the regulatory spectrum. Japan has a specific law, the Land Readjustment Act (Act No. 119 of 1954), which incorporates area reduction, reserve land, and owner protection within a single framework, making land readjustment a primary instrument for urban infrastructure provision (Matsui, 2019; OECD, 2022). Malaysia lacks a specific law; pilot projects since the late 1990s have not resulted in completed projects, and the main obstacles are funding, public participation, and the lack of a legal basis (Che Pin et al., 2024). Indonesia falls somewhere in between: there are specific ministerial-level regulations, but no overarching law.

Previous research generally describes the implementation, history, or physical results of land consolidation in a single country, or discusses land readjustment financing in general without examining the legal texts governing contributions. This article fills this gap by limiting the study to the regulation of land contributions as a land consolidation financing instrument. Other technical aspects, such as measurement techniques, spatial design, certificate issuance, and agricultural land consolidation, are not discussed except to the extent they affect the regulatory basis, contribution form, implementation mechanism, cost sharing, and protection of landowner interests.

The research questions are: (1) how are the legal basis, authorized institutions, and implementation provisions for land contributions regulated in Indonesia, Japan, and Malaysia; (2) what are the forms and mechanisms of contributions, particularly voluntary contributions and land area reduction, along with the regulations for approval, participation, and compensation; (3) how are land contributions related to the functions of land provision, cost sharing, cost recovery, and capturing land added value; (4) what are the cost components, who bears them, and how are they distributed; and (5) what are the similarities and differences between the three systems, and what lessons can be drawn for landowner protection in Indonesia.

2. RESEARCH METHOD

This research is a normative legal study using three approaches. A statutory regulatory approach is used to examine the norms governing land contributions. A conceptual approach is used to differentiate between voluntary contributions and area reductions, as well as the four financing functions. A comparative approach is used to identify similarities and differences between countries based on the functions performed by the norms, rather than on the names of their institutions.

The primary legal materials for Indonesia are Law No. 5 of 1960 (UUPA), Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, and Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 12/2019, read directly from the official text (State Gazette 2019 No. 756); Regulation of the Head of the National Land Agency (BPN) No. 4 of 1991 is discussed as historical background because it has been revoked. For Japan, the primary materials are the Land Readjustment Act (Act No. 119 of 1954) and the City Planning Act (Act No. 100 of 1968), which contain project determinations. For Malaysia, the primary materials were the Federal Constitution, the National Land Code (Act 828, the 2020 revised version of Act 56 of 1965), which applies only to Peninsular Malaysia and Labuan, the Land Acquisition Act 1960 (Act 486), the Town and Country Planning Act 1976 (Act 172), and the Federal Territory (Planning) Act 1982 (Act 267). Descriptions of Japanese and Malaysian norms were cross-referenced with institutional reports (Matsui, 2019; OECD, 2022) and scholarly articles (Che Pin et al., 2024; Ariff et al., 2021). Provisions from Sabah and Sarawak, which have their own land laws, were not included.

Secondary legal materials were selected based on four criteria: direct relevance to land consolidation or land readjustment, contributions, financing, or institutions; verifiable through DOI or

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publisher website; published within the last ten years (2016 to 2026); and, for institutional reports, from the organization responsible for the data. Older sources were not used, except for laws and regulations.

The analysis is qualitative and uses seven comparative parameters (Table 1) derived from the six focus areas of the study and from the framework variables of Muñoz Gielen and Mualam (2019). The findings of one case study should not be generalized to reflect the entire country. The assessment of financing effectiveness is based on previous research, not primary data.

Table 1. Comparison parameters and analysis questions

Parameter	Analysis questions
Legal basis and institutions	At what level of norms are contributions regulated, and who is authorized to establish, implement and monitor them?
Form of contribution	Is the contribution a voluntary surrender, a binding area reduction, or both, and how is its amount determined?
Consent and participation	What is the consent threshold, who is involved, and how are participants involved?
Owner compensation and protection	When is compensation provided, and what guarantees protect the value of the resulting landscaping area?
Financing function	Which of the functions of land provision, cost sharing, cost recovery, and value capture are legally regulated?
Components and cost sharing	What costs arise, who bears them, and by what formula or proportion?
The role of government and society	How much risk does the government bear and how much control do participants have over decisions?

3. RESULT AND DISCCUSSION

Conceptual Framework: Land Contribution and Four Financing Functions

In this article, land contribution refers to the portion of a participant's land subtracted from the existing plot area when the plot is rezoned, in exchange for maintaining the value of the rezoned plot. Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) No. 12/2019 refers to Land for Development (TP), which is the portion of a participant's land transferred or provided for infrastructure, facilities, utilities, and Joint Business Land (Article 1 number 14). In Japan, the subtraction is divided into subtraction for public facilities and subtraction for reserve land (Matsui, 2019).

The four financing functions need to be separated because each requires a different legal basis, measurement, and accountability. Land provision is the use of contributed land for public infrastructure and facilities. Cost sharing is the distribution of project costs, in the form of land, money, or subsidies, among the government, participants, and other parties. Cost recovery is the reimbursement of costs incurred through revenue from the use or sale of reserve land. Value capture is the partial withdrawal of increases in land value arising from public actions, either within the project or through taxes or levies outside the project (Gozalvo Zamorano & Muñoz Gielen, 2017; OECD, 2022). Table 2 summarizes the differences.

Table 2. Differentiation of four financing functions in land contributions

Function	The essence	Legal prerequisites	Examples in the system under study
Land provision	Contributed land becomes public infrastructure and facilities; measured by area	Determination of land status and granting rights to PSU recipients	TP for PSU (Article 11 and 29 paragraph (4)–(5) of Ministerial Regulation 12/2019); reduction for public facilities in Japan

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Cost sharing	The cost burden is shared between parties, with land, contributions, or budget.	List of funding sources, guarantors for each component, and proportions	Article 59 of Ministerial Regulation 12/2019; Articles 118–121 of the Land Readjustment Act
Cost recovery	Costs are recovered from the sale or use of reserve land.	Authority to transfer land, assessment, sales procedures, reporting of results	TUB (Article 11 paragraph (4)); reserve land (Article 96 Land Readjustment Act)
Value added capture	Part of the increase in land value due to the project is returned to the public.	A withdrawal limit or basis related to the increase in value; a fiscal or planning instrument	Reserve land value limits in Japan; property tax and town planning tax outside the project

Source: Author's analysis based on ATR/BPN Regulation 12/2019; Land Readjustment Act; Matsui (2019); Gozalvo Zamorano and Muñoz Gielen (2017); and OECD (2022).

All four functions can operate on the same land without being one. A land transfer (TP) for roads provides land and, because the government doesn't need to purchase it, indirectly shares the costs; however, it doesn't recover any costs. The sale of reserve land recovers costs and, if its value is limited to the increase in area value, also captures some added value. A levy on substantial beneficial owners captures added value without recovering the cost of the land. A common mistake is to label all contributions as financing, thus treating the savings in acquisition costs as equal to project revenues.

Land Contribution Regulation in Indonesia

Legal Basis

The constitutional basis for land contributions is the social function of land rights (Article 6 of the UUPA) and the possibility of revocation of rights for the public interest with adequate compensation (Article 18 of the UUPA). Ministerial Regulation of the Agrarian Affairs and Spatial Planning Agency (ATR/BPN) No. 12/2019, which revokes Regulation of the Head of the BPN No. 4 of 1991 (Article 64), states in its considerations that land consolidation is developed to support the provision of land for the public interest, resolve land and space issues, and provide housing for low-income communities. This regulation was formulated taking into account, among other things, the UUPA, Laws No. 26 of 2007, No. 1 of 2011, No. 20 of 2011, and No. 2 of 2012. A search of legal documents for this article revealed no regulations that supersede these.

This level of regulation is crucial. Because contributions are regulated by ministerial regulations and there is no law specifically granting coercive authority, the binding basis for participants is essentially their own agreement. When consent is not available, Ministerial Regulation 12/2019 does not impose coercion but instead transfers the case to land acquisition for the public interest under the law (Article 10 paragraph (5)). Article 4 paragraph (2) states that land consolidation can be mandatory in post-disaster, conflict, slum area, and strategic program development, but the ministerial regulation does not provide a specific enforcement instrument. This provision requires a higher-level basis for enforcement.

Authorized Institution

Land consolidation is carried out by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency and/or other stakeholders, with the Ministry obligated to verify and supervise if the stakeholder is the implementer (Article 45). The Land Office carries out small-scale consolidation within a district/city, the Regional Office carries out large-scale or strategic land consolidation, and the Minister can take over under certain conditions (Article 7). The Regent/Mayor determines the location of the small-scale land consolidation, while the Governor or Minister determines the large-scale or strategic land consolidation (Article 20). The Coordination Team chaired by the regional head is tasked with, among other things, coordinating funding sources and forms of

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cooperation (Article 46 paragraph (6) letter d). The Planning/Implementation Team includes three participant representatives (Article 47), and the Participant Association manages the membership and financial administration of the TUB (Article 48 paragraph (5) letter c). Object assessment is carried out by the Land Office and/or Land Appraiser (Article 23).

Contribution Implementation Provisions

The contribution obligation is stated twice: participants are required to submit a portion of their land as TP as agreed (Article 11 paragraph (1) and Article 50 letter c). The TP area is calculated based on the land requirements for infrastructure, facilities, and utilities, as well as the financing requirements for regional development (Article 11 paragraph (2)). For participants whose plots are too small or unsuitable, TP can be replaced with cash or other agreed-upon forms (Article 11 paragraph (3)). The area and location of the TP, which consists of land for PSU and Joint Business Land (TUB), are included in the design agreed upon by the participants (Article 24).

The procedure is hierarchical. The planning document contains estimates of implementation and construction costs and minutes of the participants' agreement (Article 13 paragraph (5) and Article 19 paragraph (2) letter d). Participants relinquish their rights to the State before the Head of the Land Office, and the rights are returned to the participants and to the recipients of PSU and TUB (Article 26). Land rights for infrastructure are granted to the Regional Government or Village Government, rights to facilities to the Regional Government, associations of legal entities, nadzir, or religious legal entities, and rights to TUB to joint participants or associations (Article 29 paragraphs (4)–(6)). Granting rights to participants originating from land rights and the subject of which has not changed is exempt from BPHTB (Article 30 paragraph (1)). The action plan contains the cost requirements, financing plans and sources, and the role of each stakeholder (Article 25 paragraph (2)).

Land Contribution Regulation in Japan

Legal Basis

The Land Readjustment Act (Act No. 119 of 1954) is a procedural law that governs the rights and obligations of implementers and stakeholders in the approval and implementation process (Matsui, 2019). Its purpose is to create healthy urban areas and improve public welfare by regulating project implementers, procedures, and cost allocation (Article 1). This law works in conjunction with the City Planning Act, which defines land readjustment projects as urban development projects in city plans (Article 12, paragraph (1)), as well as compensation regulations and national subsidy programs. The law was developed based on experience from the early 20th century and was last updated in 2019 (OECD, 2022); a private implementing legal entity (land readjustment corporation) was added in 2005 (Matsui, 2019).

Authorized Institutions

Public implementers include prefectural and city governments, the central government through authorized ministries, and government entities such as the Urban Renaissance Agency. Private implementers include individuals, land readjustment cooperatives (kumiai), and land readjustment legal entities (Article 3; Matsui, 2019). Cooperatives and legal entities require approval from the prefectural governor or the designated mayor of a city. Objections to implementer actions, such as the determination of a replotting plan, are submitted as administrative inquiries to the governor or the Minister of Land, Infrastructure, Transport, and Tourism (MLIT) (Matsui, 2019). For public implementers, the land readjustment board approves the designation of reserve land, and an appraiser is appointed with the board's approval (Articles 65 and 96); for cooperatives, the method of selling reserve land is decided by the general meeting of members (Article 31).

Contribution Implementation Provisions

Land contributions in Japan take the form of genbu, a reduction in area imposed on all owners according to their rights, divided into reductions for public facilities and reductions for reserve land. The amount varies by project. In the pilot project reported by Matsui (2019), average contributions reached 39.86 percent in Nagakute Nanbu (28.90 percent for public facilities and 10.96 percent for reserve land), 35.10 percent in Akihabara (almost entirely for public facilities), and 15.07 percent in

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Kobe, which did not set aside reserve land due to declining total land values. The OECD (2022) states that approximately 30 to 40 percent of the rezoned land is allocated for public improvements.

This amount is not uniformly charged. The rezoning plan includes the rezoning design, details of the replacement plots for each existing plot, details of the financial settlement, and details of the reserve land (Article 87). The replacement plots must be consistent with the existing plots in terms of location, area, soil quality, irrigation, use, and environment (Article 89), and any differences are settled through adjustment payments (Article 94). A common method today is value-based assessment: the value of each plot is expressed in points, then multiplied by the project's value increase ratio, so that each plot receives an increase in value at the same ratio (Matsui, 2019). This value-based approach aligns with the argument that contributions determined solely by area can disproportionately burden participants (Uzun et al., 2024; Yilmaz & Bilim, 2024).

Reserve land is the most explicit cost-recovery provision. Individual implementers and cooperatives can designate reserve land in replotting plans to finance projects. Public implementers may only designate it if the total post-project land value exceeds the pre-project total, with the reserve land value not exceeding the difference, and with the approval of the council (Article 96). Reserve land is acquired by the implementer on the day following the announcement of the completion of the replotting (Article 104 paragraph (9)), and public implementers must sell it for the purpose for which it was designated in a manner approved by the council (Article 108).

Land Contribution Regulation in Malaysia

Legal Basis

Land is a state matter under Article 74 of the Federal Constitution and the list of state powers in the Ninth Schedule; property rights are protected by Article 13. The National Land Code (Act 828, revised 2020 from Act 56 of 1965) applies to Peninsular Malaysia and Labuan, while Sabah and Sarawak have the Sabah Land Ordinance and Sarawak Land Code (Conventus Law, 2020). Planning is regulated by the Town and Country Planning Act 1976 (Act 172) and the Federal Territory (Planning) Act 1982 (Act 267), while land acquisition for public purposes is regulated by the Land Acquisition Act 1960 (Act 486), which grants State Authorities the power to acquire land with compensation under the First Schedule (Article 3). There is no specific law on land readjustment. This concept was first introduced in 1987, a joint feasibility study with JICA was conducted in 1995, and a Cabinet decision on June 23, 1999, designated it as a land development method; two pilot sites, Kampung Pulau Meranti in Sepang and Kampung Skudai Kiri in Johor, have yet to produce completed projects (Che Pin et al., 2024). Without specific legislation, implementing agencies cannot compel owners, for example, to provide a power of attorney (Che Pin et al., 2024).

Authority

Authority over land rests with the State Authority, which acts through the State Land and Mining Directorate and the Land Administrator; the State Land Council (Majlis Tanah Negara) coordinates specific policies. PLANMalaysia (Department of Urban and Village Planning) handles planning, while local authorities issue planning permits. Che Pin et al. (2024) list four proposed implementing agency forms for land readjustment. Because there is no legislation, none of these forms has the statutory authority to collect contributions.

Provisions for Implementing Contributions

The closest mechanism is the surrender and realienation (SBKS) mechanism in the National Land Code (Article 203 and Article 204A–204H). This mechanism is initiated by a rights holder's application, requires the consent of interested parties, and is approved by the State Authority. In practice, it also serves as a source of revenue through premiums (Ariff et al., 2021). Recent research views it as a structured legal framework for regulating problematic areas and opening access (Rosman et al., 2026). This mechanism relies on individual initiative and does not involve collective

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contributions, reserve land, or cost recovery. If the owner refuses and the project remains necessary, the available route is land acquisition with compensation (Che Pin et al., 2024).

Technical estimates for the pilot, cited by Che Pin et al. (2024) from a 2008 planning document, call for 20 to 30 percent public land and a 20 to 50 percent reduction in individual plots. This figure is a planning estimate, not a legal norm. The direction of the new approval threshold was evident in the first reading of the draft Urban Renewal Bill 2025, which proposed unanimous approval for voluntary owner applications and 80, 75, and 51 percent for certain building conditions (The Edge Malaysia, 2025a). On August 28, 2025, the Minister announced plans to raise the threshold to 80 percent for all categories (The Edge Malaysia, 2025b), and the Cabinet withdrew the draft on January 23, 2026, for re-drafting (Bernama, 2026). The provisions concern building redevelopment, not land contributions, and therefore only indicate trends, and their status needs to be reviewed before publication.

Forms and Mechanisms of Contribution: Voluntary Contribution and Area Reduction

Voluntary contributions and area reduction differ in the binding resources. In voluntary contributions, the owner hands over land or money with their own consent, and the binding basis is agreement. In area reduction, the reduction ratio is stipulated in the project plan or design and applies to all participants once a threshold of approval or official determination is reached; the binding basis is regulations and decisions. The two are not mutually exclusive options: consent can be the entry point, while area reduction is the binding consequence. Table 3 compares the three countries.

Table 3. Forms and mechanisms of soil contribution

Aspek	Indonesia	Jepang	Malaysia
Nature of contribution	Voluntary at the entrance (Article 4 paragraph (1), Article 50 letter a); binding reduction in area after becoming a participant (Article 11 paragraph (1)); may be mandatory under certain conditions (Article 4 paragraph (2))	Reduction of area (genbu) that binds all owners after the threshold of approval or determination of a public project	There is no reduction in collective area; only voluntary surrender at the request of the right holder (SBKS)
Magnitude	Calculated from PSU needs and financing according to agreement (Article 11 paragraph (2)); for example Pekanbaru 0–30 percent (Nurrizki et al., 2025)	Based on replotting plans and value assessments; an average of 15–40 percent on reported projects	Planning estimate 20–50 percent for pilot; not the norm
Agreement	Written consent of each participant (Article 50 letter a); implementation if agreed by at least 60 percent of participants (Article 10 paragraph (3))	Individual 100 percent; cooperative or legal entity two-thirds owner and two-thirds tenant; public implementer does not require approval	Stakeholder approval in SBKS; practically requires the approval of all owners
The party that refuses	Transferring rights to another party, or procuring land for public interest (Article 10 paragraph (4)–(5))	Bound when threshold is reached (OECD, 2022)	Land Acquisition Act 1960

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Aspek	Indonesia	Jepang	Malaysia
Participation	Participant representation in the implementation team (Article 47), participant association (Article 48); practices tend to be symbolic (Nurrizki et al., 2025)	Public meetings, announcement of plans, written objections; local governments typically target 80–90 percent approval (Matsui, 2019)	Public participation is one of the main challenges (Che Pin et al., 2024)
Compensation	TP itself is not compensated; compensation for temporary relocation (Article 40 paragraph (5)–(7)) and compensation if needed (Article 23 paragraph (3))	Adjustment payments; relocation compensation; compensation if the total value decreases (Articles 94, 109)	Compensation only through land acquisition (First Schedule of Act 486)

Source: author's analysis based on each country's regulations, Matsui (2019), OECD (2022), Che Pin et al. (2024), and Nurrizki et al. (2025).

In Indonesia, the nature of contributions is hybrid and raises two legal issues. First, the threshold for approval is unclear. Participants are defined as rights holders who express their consent (Article 1, number 12), while consolidation can only be implemented if agreed to by at least 60 percent of participants (Article 10, paragraph (3)). This formulation is circular if the only denominator is participants who have agreed; a reasonable denominator would be all rights holders on the site, but the regulations do not specify. Second, the status of dissenters depends on the alternatives opened by Article 10, paragraphs (4)–(5), namely, transfer of rights or land acquisition, so that contributions are never forced by the land consolidation itself.

Practices in Pekanbaru demonstrate the voluntary side most clearly. Participants voluntarily invested zero to 30 percent of the land for the outer ring road in exchange for increased land value, exemption from Land Use and Land Acquisition (BPHTB), and exemption from certificate issuance fees. However, 63 percent of respondents did not understand the meaning of land management for the economic value of the land, and 45 percent were unaware of the existence of a participant association forum (Nurrizki et al., 2025). Voluntary contributions are not legally binding but offer tighter protections. Once a threshold is reached, all owners are required to surrender their plots (OECD, 2022), but this obligation is balanced by the principles of equivalence of replacement plots, value-based assessments, adjustment payments, and administrative objections. Special treatment for small plots, such as exchanging land for cash or a minimum replacement plot size, reduces the burden on small owners (Matsui, 2019). In Kobe, contributions for plots under 60 square meters were reduced to zero to nine percent (Matsui, 2019). This reduction in the binding area is acceptable because the replacement rules are strict.

Malaysia demonstrates the consequences of the lack of binding elements. Without a legal basis, implementers must convince each owner to agree, and those who refuse can only be dealt with through land acquisition (Che Pin et al., 2024). Public participation is also cited as a key challenge, so the lack of a legal basis and public acceptance are mutually reinforcing (Che Pin et al., 2024).

Relationship between Land Contributions and Land Consolidation Financing

Table 4 maps the four functions across the three systems. The results show that only Japan regulates all functions with distinct legal bases; Indonesia regulates two functions explicitly and leaves

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one function open without detail; and Malaysia has not regulated any of them as part of land readjustment.

Table 4. Mapping of four financing functions

Fungsi	Indonesia	Jepang	Malaysia
Land provision	Clear: TP for PSU; rights are given to the Regional Government/Village Government (Articles 11, 29)	Clear: reductions for public facilities must be in line with established city facilities.	Not through contributions; through land acquisition or SBKS upon request
Cost sharing	Partially: the source of funds is stated (Article 59 paragraph (1)–(2)), but the proportion is not regulated.	Clear: burden on implementers (Article 118), regional government contributions (119), benefit contributions (120), state subsidies (121)	None: costs depend on government allocation; no cost sharing in the pilot (Che Pin et al., 2024)
Cost recovery	Normatively open through TUB (Article 1 number 15, Article 11 paragraph (4), Article 35 paragraph (5)); there are no details of value, use of results, and reporting.	Clear: reserve land with value limits and sale procedures (Articles 96, 108); sales cover at least half of the costs (OECD, 2022)	Reserve land is just a concept; it has no legal basis yet.
Value added capture	Not yet an instrument; only evaluation of value before and after (Article 54 paragraph (4)) and value guarantee (Article 23 paragraph (4))	Within the project: reserve land limits on value increases; outside the project: property taxes and urban planning taxes (Matsui, 2019)	Recommended, not yet institutionalized (Che Pin et al., 2024)

Source: author's analysis based on ATR/BPN Regulation 12/2019, Land Readjustment Act, Matsui (2019), OECD (2022), and Che Pin et al. (2024).

In Indonesia, the risk of conceptual confusion is evident in the formulation of the Land Use Plan (TP). A single figure, the TP area, is intended to simultaneously meet both the PSU (land provision) and financing (cost sharing or recovery) needs (Article 11 paragraph (2)), even though these two needs have different recipients: the PSU is handed over to the government (Article 29 paragraphs (4)–(5)), while the TUB is jointly owned by the participants (Article 29 paragraph (6)). Regulations do not require the design to separate the TP portion for PSU and the portion for TUB as a basis for calculations that can be verified by participants, although Article 24 paragraph (1) letter d requires the area and location of both to be stated.

The TUB itself has a dual character. It is jointly owned and can be utilized or transferred for the common good (Article 1 number 15), and it is also a source of financing for vertical land consolidation (Article 35 paragraph (5)). Transfer requires the approval of all participants (Article 11 paragraph (4)), a much more stringent requirement than the decision of the general meeting of members in a land readjustment cooperative in Japan (Article 31). Unanimous requirements protect participants but can hinder cost recovery, leaving projects budget-dependent. The regulation also does not address whether proceeds from the TUB transfer are used to cover project costs or distributed to participants. Reporting under Article 58 is directed to the Minister, not participants.

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Regarding the value capture function, Ministerial Regulation 12/2019 mentions the objective of increasing regional added value (Article 9 paragraph (3) and Article 59 paragraph (3)) and requires monitoring of land value increases (Article 54 paragraph (4)), but does not link value increases to contribution limits or amounts. In Japan, this relationship is explicit in the form of reserve land limits for public implementers. Indonesian literature on land value capture, for example, Pujianingsih and Setiawan (2021) and Nuhung et al. (2025), indicates that value increases do not automatically translate into revenue without clear legal instruments, implementing institutions, and utilization procedures. Gozalvo Zamorano and Muñoz Gielen (2017) note that land readjustment can capture increases in land value through taxes and contributions levied after land rezoning and/or through developer obligations.

One note on the limits of self-financing. A review by Mugisha et al. (2023) concluded that land readjustment is generally only limitedly self-financing. Japanese data supports this: the sale of reserve land covered 67 percent of revenues in Nagakute Nanbu, but in Kobe there was no reserve land due to declining land values, and the project was financed by public funds (Matsui, 2019). Land sales cover at least half of the costs in Japanese projects (OECD, 2022). Land contributions should therefore be understood as one component of blended financing.

Cost Components, Cost Bearers, and Distribution

Article 59 paragraph (5) of Ministerial Regulation 12/2019 details nine cost components: planning; land administration through PNBP; compensation and restitution; temporary relocation and income loss allowance; permit administration; physical construction of buildings and PSU; maintenance; rejuvenation; and other costs. The funding source is community participation in the form of TP and contributions agreed upon by the association, the APBN, APBD, and other legitimate sources (Article 59 paragraphs (1)–(2)). The regulation does not pair components with their sources, and does not stipulate proportions. The only explicit guarantor is temporary relocation compensation, which is provided by the initiating stakeholder (Article 40 paragraph (7)). In vertical consolidation, financing is based on a deed of agreement between participants and development actors (Article 59 paragraph (6)). Bank financing in low-income housing self-help consolidation shows that third parties also act as guarantors in practice (Kurniawan & Manaf, 2023).

Table 5. Cost components and their insurers

Cost components	Indonesia	Jepang	Malaysia
Planning, survey, administration	Not paired with a specific source; PNBP on self-help consolidation (Article 20 paragraph (6))	Project costs for implementers (Article 118); contributions and subsidies (Articles 119–121)	Government allocation (Che Pin et al., 2024)
Infrastructure and utilities	TP (land), APBN/APBD, participant contributions, other legitimate sources	Sale of reserve land; road subsidy at hypothetical acquisition cost plus compensation and construction; regional subsidy (Matsui, 2019)	Government allocation; developers cannot share costs (Che Pin et al., 2024)
Compensation and relocation	The initiator bears the costs of temporary relocation (Article 40 paragraph (7)); compensation is managed by the association (Article 48 paragraph (5))	The executor covers rent and moving; compensation for impairment	Land acquisition compensation under the First Schedule of Act 486

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Cost components	Indonesia	Jepang	Malaysia
Marketing and release of reserve land	Not mentioned separately; closest to other costs (Article 59 paragraph (5) letter i) and TUB financial management by the association	Project-borne; promotion to housing companies since the beginning of the project in Nagakute Nanbu (Matsui, 2019)	Not yet; the concept of reserve land has not been institutionalized

Source: author's analysis based on ATR/BPN Regulation 12/2019, Land Readjustment Act, Matsui (2019), and Che Pin et al. (2024).

Japan has a more structured cost-sharing system. Costs are primarily borne by the implementer (Article 118), but public implementers can receive contributions from local governments receiving benefits (Article 119), benefit contributions from owners or tenants who derive substantial profits (Article 120), and state subsidies for specific projects (Article 121). National road subsidies are calculated from the hypothetical acquisition cost plus building compensation and construction costs, allowing the acquisition portion to be used for other costs (Matsui, 2019). In Nagakute Nanbu, the 20.8 billion yen cost was covered by, among other things, a 4.32 billion yen central government subsidy, a 2.21 billion yen municipal subsidy, and the sale of reserve land for 13.92 billion yen (Matsui, 2019). Additional practices include interest-free loans to cooperatives and tax exemptions for implementers (Matsui, 2019).

In Malaysia, the development costs of the Kampung Pulau Meranti pilot project depended on government allocations, there was no cost-sharing element, and developers were unable to share costs. Planners propose revolving funds, public-private partnerships, and tax incentives (Che Pin et al., 2024). There is no legally regulated cost-sharing formula. Marketing costs are relevant to the study's focus in only one respect: the disposal of reserve land (TUB). These costs are the costs of realizing the land's value, which reduce the net cost recovery revenue. They are not a separate financing category and are not part of the cost-sharing between parties. In Nagakute Nanbu, reserve land was located in a commercially attractive location and promoted to housing companies from an early stage, resulting in faster-than-planned sales (Matsui, 2019). If Indonesia develops cost recovery through TUB, it needs to clarify who bears the sales costs, whether they are deducted from the proceeds before reporting, and how they relate to the distribution of proceeds to participants.

Comparative Law: Similarities and Differences

Table 6. Comparison of land contribution arrangements as a financing instrument

Element	Indonesia	Jepang	Malaysia
Legal basis and level of norms	Ministerial Regulation (Permen 12/2019); UUPA and UU 2/2012 as indirect umbrellas	Special law (Act 119/1954) and City Planning Act	There is no specific law; NLC, Act 172, Act 486 are general in nature.
Institution	Ministry of ATR/BPN, Regional Office, Land Office; regional head; coordination team	Regional government, central government, government business entities, cooperatives and private legal entities; governor and MLIT as examiners	State Authorities, Land and Excavation Directorate, PLANMalaysia, local authorities
Form and amount of contribution	TP according to agreement; the formula is not set	*Genbu based on value judgment; there is a reserve land limit*	None; only owner-initiated SBKS

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Element	Indonesia	Jepang	Malaysia
Consent and participation	60 percent of participants; written consent of each participant	100 percent (individuals), two thirds (cooperatives, legal entities); public without consent	Practically all owners
Compensation and protection of value	The field value is at least the same (Article 23 paragraph (4), 49 letter b)	Equivalence, adjustment payments, impairment compensation	Not regulated in LR; land acquisition compensation
Regulated financing function	Land provision; partial cost sharing; open cost recovery	The four functions	There isn't any
The role of government and society	The government covers the APBN/APBD; the community submits TP and contributions	The government provides subsidies and contributions; participants control the cooperative.	The government bears almost all the costs; the public is hardly involved.

Source: author's analysis based on primary legal materials and scientific sources referred to in the previous subsection.

There are three similarities. First, in all three countries, contributions are not self-contained; they are only accepted if accompanied by compensation, namely, land development areas with protected values in Indonesia and Japan, or land acquisition compensation in Malaysia. Second, neither system is fully self-financing; all rely on public funding to some extent (Matsui, 2019; Mugisha et al., 2023). Third, owner consent is a practical prerequisite for success, although the law does not require it uniformly: Japanese local governments strive for 80 to 90 percent consent despite the legal threshold of two-thirds (Matsui, 2019), and participants in Pekanbaru, who lacked understanding of the benefits, rejected the design results in some blocks (Nurrizki et al., 2025).

The differences are more crucial. First, the binding force of norms: Japanese law binds all owners once the threshold is reached, while Indonesian ministerial regulations rely on consent and alternative land acquisition mechanisms, and Malaysia lacks such binding mechanisms (Muñoz Gielen & Mualam, 2019). Second, determining the amount of contribution: Japan uses assessment and project frameworks, Indonesia uses needs and agreements, and Malaysia only uses estimates. Third, the status of reserve land: in Japan, it belongs to the implementer with a value limit, in Indonesia, it is a jointly owned TUB, and in Malaysia, this does not exist. Fourth, cost sharing: Japan stipulates this in laws and fiscal programs, Indonesia only lists sources, and Malaysia relies on ad hoc allocations. Within the framework of Muñoz Gielen and Mualam (2019), Japan provides the most certainty regarding land and financial inputs; Indonesia provides land certainty contingent on approval and low financial certainty; Malaysia offers neither.

Landowner Protection and Implications for Indonesia

Landowner protection in Indonesia is relatively strong in principle and weak in method. Participants have the right to information and socialization regarding land or buildings resulting from the arrangement with at least the same value (Article 49), to an assessment by a Land Appraiser (Article 23), to objections to physical and legal data (Article 22 paragraph (4)), and to resolution of problems through a coordination team or the courts (Article 61). The gaps lie in four areas. The method for determining land acquisition costs (TP), whether based on area, value, or a combination, is not specified, although Subekti et al. (2021) note that all three are common, and the literature places land value as a key element of policy and examines value-based distribution (Uzun et al., 2024; Yilmaz & Bilim, 2024). Treatment for smallholders is limited to the possibility of replacing TP with cash without a standard. There is no obligation to report the use of TUB proceeds to participants. Finally,

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accountability among implementers in the field is weak, as evidenced by complaints from participants in Pekanbaru about the lack of information and forums (Nurrizki et al., 2025).

The lesson from Japan is that binding contributions are acceptable if four things are clear: the basis for determining the amount, value guarantees, the treatment of small plots, and the upper limit of reserve land on value increases. The lesson from Malaysia is that the concept of land readjustment does not work without a basis of authority, a cost-sharing mechanism, and public acceptance (Che Pin et al., 2024, 2025). These lessons should not be copied. Japan relies on a rising land market, local government capacity, and subsidies (Matsui, 2019), conditions that do not necessarily exist in Indonesia.

For Indonesia, a realistic model is blended financing based on land contributions. The government or implementing agency covers the initial costs, namely planning, mapping, and assessment. Participants contribute TP for the PSU, and if market and legal requirements are met, the TUB is transparently managed. Shortfalls are covered by the state budget (APBN), regional budgets (APBD), or a third party. To ensure these functions are not mixed, regulations need to establish six elements: (1) a method for determining TP, separate for the PSU portion and the TUB portion; (2) a denominator for the approval threshold; (3) a cost-sharing matrix by component; (4) procedures for transferring the TUB, including assessment, approval mechanisms, and use of proceeds; (5) financial reporting to participants; and (6) special treatment for small owners. For binding elements, particularly the obligations under the conditions referred to in Article 4 paragraph (2), legal basis must be considered.

4. CONCLUSION

This study concludes five things. First, the legal basis for contributions varies: specific laws in Japan, ministerial regulations in Indonesia, and the absence of specific regulations in Malaysia, which only has a transfer and re-title mechanism in the National Land Code. Second, Indonesia combines voluntary agreement at the point of entry with the obligation to surrender the TP afterward, while Japan applies binding area reduction with value protection, and Malaysia only recognizes individual voluntary surrender. Third, only Japan separates land provision, cost sharing, cost recovery, and value capture with different legal bases; Indonesia combines PSU and financing requirements in a single TP formulation. Fourth, cost sharing in Indonesia only lists sources and components without proportions, while marketing costs are relevant only to the release of reserve land or TUB. Fifth, owner protection in Indonesia is strong on the principle of value assurance but weak on the method of determining TP, the denominator of the agreement, and the accountability of TUB.

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