



The Public Interest Acquisition of Land for Development

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Abstract

Background. Soil is essential to all human life on Earth, and the existence of land is an inseparable component of human existence. Development is vital to enhancing human quality of life, and the demand for land as a capital asset is increasing in tandem with development activities.

Aims. The government urgently needs land for the planned project site to catalyze development for both itself and the commercial sector.

Methods. Normative studies focus on the analysis of legal principles, statutes, and regulations, particularly those related to research and the legal challenges that arise in this context. Data sources are identified through a literature review, employing both primary and secondary data derived from research projects and reviews. Primary data was obtained by analyzing laws, regulations, and documents related to land purchase.

Result. Land acquisition for public interest aims to acquire land for developmental projects that promote the welfare and prosperity. Land acquisition must be conducted in accordance with the principles of the 1945 Constitution and national agrarian laws of the nation, state, and society, while safeguarding the legal rights of rightful proprietors and aligning with national and state values.

Conclusion. Therefore, land purchase restrictions satisfy procedural justice requirements. Once the impacted parties have been compensated, the land acquisition is deemed complete.

Keywords: land, procurement, public interest, development.



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INTRODUCTION

Land is essential to human existence. A profound connection exists between humanity and the Earth, akin to a principle governing social existence. Land constitutes a fundamental necessity for each human. In its cosmology, land is the domain where humans reside and engage in labor. As a natural resource, soil is essential for every individual's sustenance.

Soil refers to the Earth's surface in a legal sense. According to its two-dimensional dimensions of length and width, land rights indicate the entitlements to a certain, limited area of the earth's surface (FX Sumarja, Upik Hamidah, & Ati Yuniati, 2020: 4). Land may be recorded at any moment since it is unchangeable, unlike other features, which can change, rise, fall, or disappear. Residential, commercial, industrial, and financial properties can all have it built on them (Setiawan, 2020: 3). Land has religious significance for the people of Indonesia. Every piece of land within the Republic of Indonesia is a sacred gift from the Almighty God. No power can break these ties as long as the Indonesian people remain unified as a nation and as long as the integrity of the land, water, and universe is preserved. As a result, Indonesia has a long-standing relationship with air, land, and water. In this instance, "The One Godhead"—the First Precept of Pancasila—is demonstrated (Retna Dewi Lestari, Tri Wisudawati, & Aris Prio Agus Santoso, 2022: 46).

Community land is intrinsically linked to the welfare of individuals, families, and the advancement of communal life (Farhani & Chandranegara, 2019:235-253). Land possesses significant economic value and is essential to individual livelihoods, as stated in Article 33, paragraph 3, of the 1945 Constitution. The land will be employed by the nation for the economic advantage of the Indonesian people until their welfare and prosperity are achieved. Consequently, the state governs the water, land, and resources it encompasses, utilizing them to the fullest extent for the benefit of the populace.

The economic potential includes the ability to increase income and raise the owner's or other occupants' standard of living. This suggests that the owner or occupant can improve their quality of life through the use or management of the property (Nomensen Sinamo & Rasmon Sinamo, 2023: 13). Cultivable land, mountainous regions, riverbanks, forests, and mineral resources are all examples of economically valuable soil types.

A significant turning point in Indonesia's agrarian development and land law reform was the implementation of Basic Agrarian Law No. 5 of 1960 on September 24, 1960. Basic Agricultural Law Number 5 of 1960 and Article 33, paragraph 3 of the 1945 Constitution of the Republic of Indonesia established the evolution of Indonesian agricultural political philosophy (Rahman, 2019).

Create a basis for coherence and simplicity in land law; ensure legal certainty regarding land rights for the general public; and lay the groundwork for national agrarian legislation to

promote prosperity, happiness, and justice for the State and its citizens, particularly the peasantry, within an equitable and flourishing society are the main objectives of the Basic Agrarian Law (FX Sumarja, 2020: 79).

From a sociological perspective, land can influence the social status of its proprietors, the social security of its inhabitants, and their residential location. Under these circumstances, it is evident that the state's responsibility is to ensure the overall welfare of its population, which includes safeguarding property rights, such as agrarian Reform and Natural Resources Management. The regulation mandates the government to execute many tasks, including the management, organization, development, ownership, and provision of land for its citizens. The government endorsed and reinforced this with MPR Decree Number IX of 2001.

An unavoidable aspect of development implementation is the necessity for land (Syah, 2020: 40). Land is a fundamental necessity for growth and must be prioritized prior to initiating any developmental activities. Integrated growth is unattainable without this essential requirement (land).

On December 4, 1986, the United Nations General Assembly adopted the Declaration on the Right to Development in Resolution No. 41/128. Article 1 states that "The right to development is an inalienable human right based on the principle that every individual and all nations have the right to participate in, contribute to, and reap the benefits of economic, social, cultural, and political development, thereby guaranteeing the complete realization of all human rights and fundamental freedoms."

Every individual has the inherent right to growth; they all contribute to and use the resources of economic, social, cultural, and political development. The complete fulfillment of the right to self-determination and sovereignty over all natural resources is included in the human right to development. To support governmental initiatives and serve the public interest, there is a growing need to build land-based public facilities, including dams, airports, government buildings, seaports, railways, tunnels, places of worship, toll roads, industrial estates, and other public infrastructure.

The demand for land to establish public interest facilities is increasing, aimed at supporting governmental functions and serving the wider community, including the construction of schools, airports, health centers, seaports, hospitals, places of worship, and other public amenities (Arba, 2019: 18). The development of public assets is essential as it can

augment the economic value of the property. The government is authorized to designate land for the construction of certain infrastructures. Land acquisition must be conducted under the public interest, while also respecting the rights of individuals, groups, and society as a whole, as these two objectives are not mutually beneficial. Concurrently, land in the lowlands is governed and regulated by legal entities, corporations, individuals, and certain groups. Consequently, the general interest and the interests of individuals and organizations conflict.

The allocation of land for various interests, including public and private enterprises that do not contribute to the public welfare, is referred to as land acquisition. The land acquisition process involves the transfer of land rights through various methods, including sale, purchase, exchange, trade-in, grant, release, acquisition, and revocation. According to the foregoing explanation, land acquisition can be classified into two categories: land acquisition for public benefit and land acquisition for private profit (Fuady, 2023, p. 158).

The procedure of providing land through the provision of appropriate and fair compensation to the entitled parties is referred to as "Land Acquisition" in Article 1, section (2) of Government Regulation of the Republic of Indonesia Number 39 of 2023, which modifies Government Regulation Number 19 of 2021 concerning the Execution of Land Acquisition for Public Development.

The objective of land purchase for public benefit is to allocate land for development that serves the community, nation, and state. Non-public land procurement refers to the acquisition of land for personal or private reasons, executed with the full consent of both the procuring party and the landowner, typically through transactions such as sale, transfer of rights, or exchange. The stages of land acquisition for public-interest development are regulated by legislative provisions established by relevant government entities. They are founded on legal and political principles in order to safeguard and honor the interests of the local community.

Consequently, the state is obligated to allocate land to construct public facilities. However, this does not supersede other interests. Government programs consistently prioritize community interests and focus on the quality of public amenities. The government aims to acquire property to build appropriate public facilities by offering equitable compensation to landowners based on prevailing land values. Compensation ensures the community perceives

equitable treatment by the government, hence eliminating claims or demands for the land. After receiving compensation, the proprietor relinquished his claim, making the land state property.

RESEARCH METHODS

The Great Dictionary of the Indonesian Language defines research as a systematic and objective process involving thorough examination, data collection, processing, analysis, and presentation, aimed at resolving a problem or testing a hypothesis to formulate general principles (Sujarweni, 2023:2). This research employs a normative study methodology. Normative studies examine legal principles, statutes, and regulations, particularly those about research and the legal difficulties that emerge therein. Data sources are identified via literature review using primary and secondary data from literature investigations and reviews. Primary data was acquired by examining laws, rules, and documents pertinent to land acquisition. Concurrently, secondary data on land purchase is gathered from literature studies via research and literature reviews.

RESULTS AND DISCUSSION

Land Procurement

The rise in development activities has heightened the demand for land as an investment. The need for land for development enables governments and the private sector to procure property for many lucrative projects. To address these circumstances, it has been concluded that land rights may be rescinded for the public good, particularly in the interest of national welfare and communal well-being, by offering equitable and adequate compensation. The revocation of the right was deemed permissible due to public interest and the owner's voluntary relinquishment of the land.

The land was previously used as a settlement/residence, place of worship, infrastructure for community life, or as the primary source of land for community livelihood. This condition is a result of the fact that the land used for development has been primarily utilized, controlled, and owned by individuals, customary law communities, or legal entities. (Westi Utami & Sarjita, 2021: 1-2).

Land acquisition entails the provision of land through appropriate and equitable compensation to the legitimate stakeholders. "Proper and fair compensation" is defined as remuneration that exceeds the market price, ensuring that the entitled party receives enhanced benefits and an improved standard of living compared to general sales (Suyadi, 2023:64). The appraisal must be conducted by an impartial entity using explicit, quantifiable criteria, supplemented by both tangible and intangible remuneration for the land acquisition subject. Independent entities conducting compensation assessments are classified as land appraisals and must adhere to the SPI (Indonesian Valuation Standards) during the review process. SPI is a framework that assessors must adhere to when performing evaluations in Indonesia. SPI is a professional standard for appraisals based on appraisal methods in Indonesia.

The government conducts land acquisition for public interest development to fulfill its obligations of establishing a prosperous, just, and equitable society. The government requires land to execute this development. Conversely, lowland territories have been governed by the community and legal bodies (M. Arba, 2019:42). The government is empowered to equilibrate public interest development and land acquisition. This constitutes a segment of the government's initiatives to establish a fair, affluent, and contented society. Nevertheless, the government encounters spatial constraints in executing development initiatives.

The principle of land acquisition must be meticulously assessed during its implementation. The Property Acquisition Law has established regulations that oversee the property acquisition process for developmental objectives. The community functions as both the subject and object of development, requiring its active involvement in all facets, including infrastructure development. Humanity, particularly in the context of land acquisition, must ensure the respect and protection of the dignity, human rights, and legal rights of all Indonesian residents. This community voluntarily forgoes its land to promote public welfare (Sri Hajati, Agus Sekarmadji, Sri Winarsi, & Oemar Moechtar, 2021: 201). Article 2 of Law Number 2 of 2012 regarding Land Acquisition for Public Development mandates that land acquisition must adhere to the following principles.

Justice entails delivering appropriate and equitable remuneration to the rightful party in the execution of land acquisition, so enhancing their living prospects.

1. Benefits, namely land acquisition, can positively impact and enhance the neighborhood, nation, and state.

2. Certainty, specifically maintaining legal clarity concerning land availability during land acquisition for development and ensuring that eligible parties receive fair and adequate compensation.
3. Openness in land acquisition for development involves disseminating information regarding land purchase and ensuring its accessibility to the public.
4. Agreements about land acquisition activities are reached through negotiations among the involved parties without force to achieve a mutual accord.
5. Participation, specifically community involvement and public endorsement in land acquisition, encompasses both direct and indirect contributions from planning to development activities.
6. Acquiring property for development projects can yield significant benefits for the relevant stakeholders and the broader community.
7. Sustainability entails the constant and consistent execution of development actions to attain objectives.
8. Alignment, namely the property acquisition for development, may align with the public's and the state's interests.

In the land acquisition process, land ownership rights must be relinquished to other entities, namely to the agency requiring the land. This may occur via grants, transfers, transactions, or the annulment of rights. The relinquishment of rights about land acquisition involves surrendering rights in exchange for compensation or a unilateral waiver of rights, along with the annulment of state or government rights. The government must revoke rights following a negotiating process during property acquisition, paying compensation if the landowner disputes the compensation amount or refuses to relinquish their rights. The government may revoke rights if a court ruling favoring the government in land acquisition has been issued with permanent legal effect; consequently, the rights must be annulled, and the land acquisition process shall proceed to completion.

Public interests may encompass developmental issues, the interests of the nation and state, and the collective interests of the public. The revocation of land rights is governed by Law Number 20 of 1961 on the Revocation of Land Rights and Related Objects. The government's act of nullifying citizens' land entitlements for the collective advantage is represented by the revocation of land rights.

Prioritizing land acquisition for general purposes is crucial before proceeding with the annulment of property rights. This procedure must be conducted through consensus deliberation to ensure all stakeholders feel included and heard. According to existing rules and regulations, the government, as the land acquisition implementer, and landowners are bound by a specified deadline to ensure clarity in the land purchase process.

Practical deliberation depends on fundamental principles, including: the equitable engagement of all stakeholders, ensuring that each party feels respected for their status and role as legal entities; All sides strive, with sincere intentions, to express their ideas and recognize the perspectives of others; The aims and content of the discussion must be clear, unequivocal, and relevant to: Implementing development for public, governmental, or investment interests; The use, responsibility, and advantages obtained from the resources created by investors, the government, and the society; The payment sum and the payment type. No party shall impose its will on the other during deliberations. To reach an agreement on the compensation amount, procedures, and payment methods, all parties must exhibit integrity, good faith, and transparency during the negotiations. Appropriate remuneration shall be granted to the qualified entity for the procurement of land for public benefit. Compensation may be rendered in multiple forms, as specified in Article 36 of Law No. 2 of 2012, concerning the appropriation of land for public development. The Substitution Property, referred to as Capital Resettlement, is an alternate land allocation mechanism for individuals entitled to relocate, contingent upon agreements established throughout the land acquisition process.

Stock ownership serves as a compensation mechanism, allowing parties to participate in public interest initiatives, as outlined in the agreement between the parties concerned; it provides a mutually acceptable alternative for both sides. A mutually acceptable form entails a combination of two or more compensation categories, as indicated in letters a, b, c, and d above, contingent upon the agreement of both parties. If the land rights owner disputes the compensation amount and declines to accept it, he may appeal to the High Court.

Compensation should, in principle, be expeditiously disbursed to the rightful recipient at no expense. An essential component of the land purchase process for public interest is the significance of compensation. Eligible entities for compensation comprise individuals or collectives with land rights; persons or entities authorized to manage land; individuals supervising waqf land; owners of land previously classified as customary property; and

individuals who comply with customary law. Parties acting in good faith occupy the nation's territory. Compensation is granted by the government or agency requiring land for the establishment of public-interest infrastructure. Compensation is essential as it pertains directly to individuals' rights regarding the relinquished land and its transformation into state property, which is thereafter allocated to the relevant agency.

Execution of Land Acquisition for Development in the Public Interest

Planning

In the planning phase, agencies that necessitate land development and acquisition strategies are guided by the RTRW (Regional Spatial Plan) and the development priorities outlined in the agency's Medium-Term Development Plan, Strategic Plan, and Government Work Plan. Land acquisition activities are executed via a planning process that engages all stakeholders. Land purchase is conducted in a manner that balances public needs with developmental requirements. This plan must adhere to the Regional Spatial Plan and the development priorities specified in the relevant agency's Medium-Term Development Plan, Strategic Plan, and Government Work Plan. The Land Acquisition for Public Interest Development Law, Number 2 of 2012, particularly Article 14, stipulates that agencies necessitating land shall formulate a Land Acquisition for Public Interest plan under relevant laws and regulations.

The territory's geographic location; A summary of the soil's condition; The necessary land area; The anticipated duration of the development implementation; The estimated schedule for the execution of land acquisition; The evaluated land assessment. The objectives and purposes of the development plan, as well as compliance with Regional Spatial and national development plans, are outlined in a Land Acquisition planning document used for land acquisition planning in the Public Interest.

Budgeting plan.

Geographical location of the territory; Minimum land area required; A summary of the soil's condition; Estimated timeline for land acquisition execution. The anticipated duration of the development implementation. Assessed the value of land. The primary objective of

planning during the initial phases is to ensure the efficient execution of land acquisition, with detailed documents serving as frameworks for implementing national development projects. The following processes, including site selection by the Governor and land acquisition by the Ministry of Agrarian and Spatial Planning/National Land Agency, will be influenced by the comprehensive planning of development operations, which is accompanied by extensive documentation. The objectives and purposes of the development plan, as well as compliance with Regional Spatial Plans and National and Regional Development Plans, are outlined in a Land Acquisition planning document used for land acquisition planning in the Public Interest.

State institutions, ministries, non-ministerial government agencies, provincial administrations, district/city administrations, Land Bank Bodies, and state or regional enterprises designated by the Central or Regional Governments. Additionally, business entities permitted through agreements with these institutions to support public infrastructure development are included. Article 1, Number 1 of Government Regulation Number 19 of 2021 concerning Land Acquisition for Public Development specifies that entities necessitating land.

The Land Acquisition Planning Document delineates the results of this process. These documents are essential for the successful execution of development operations. Each agency interested in acquiring property for public interest development conducts property acquisition planning by the Regional Spatial Plan (RTRW), prioritizing activities specified in the Medium-Term Development Plan (RPJM), the Strategic Plan, and the agency's Work Plan. The agency requires land for development operations during the planning phase, as mandated by the specified requirements.

Effective planning management is crucial during the planning process, involving preparation, implementation, assignment, submission, and changes of the DPPT (Land Acquisition Planning Document). Agencies that require land conduct essential preparations to ascertain the development strategy that will be implemented. The Regional Office of the National Land Agency, also known as the Land Office, as well as relevant technical agencies and ministries responsible for land management, should be included in a land acquisition strategy. The Property Acquisition Planning Document (DPPT) must be incorporated into the medium-term development plan, strategic framework, and operational plan of the relevant

government agency by the agency chief responsible for the property. The strategy must be integrated with agencies or administrations that require land management strategies.

Agencies that necessitate land acquisition generate land acquisition planning documents. The success or failure of land acquisition implementation is contingent upon the principal substance. The Document's thoroughness considerably facilitates the efficient progression of land acquisition. A comprehensive and complete document facilitates the smooth execution of land acquisition, particularly in the collection of legal data. Government Regulation Number 19 of 2021 mandates that entities requiring land must compile and establish Land Acquisition Planning Documents during the planning phase, in accordance with applicable legislation and based on feasibility studies. All relevant stakeholders collaborate to create and consolidate documents related to land acquisition planning. Professional institutions or recognized experts may be consulted by agencies in need of land to generate planning papers, which are prepared following a feasibility analysis conducted by relevant laws and regulations.

Essential components, such as the intention and objectives of the development plan, the compatibility of space utilization activities, national and regional development priorities, the location of the land, the extent of land required, and a summary of the land status, are included in the requirements. Estimated land valuation, financial planning, preferred indemnification form, anticipated duration of development execution, and projected schedule for land acquisition implementation. The Land Acquisition Planning Document must comply with the requirements outlined in Government Regulation Number 19 of 2021 regarding Land Acquisition for Public Development, as stated in Articles 5 and 6 of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Regulation Number 19 of 2021. If the institution requiring the land deems it pertinent, the Land Acquisition Planning Document may include supplementary text regarding the compensation method selected. The institution and the team responsible for developing the Land Acquisition Planning Document will collaborate to create and verify this supplementary content. The Land Acquisition Planning Document may include the availability of replacement land if it is determined that such land will be used to relocate the land acquisition object or to reduce losses during the implementation phase of land acquisition operations.

Preparation

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The Governor, Regent, or Mayor is responsible for supervising the preparatory phase of land acquisition. The Governor shall, within five working days of the document's sanction, establish a verification team upon receipt of the official land purchase planning document. The contents of the Land Acquisition Planning Document submitted by the requesting agency are reviewed and authenticated by this team, and the results are recorded in the verification document. The team may assess the land acquisition proposal's site, provided that an agreement has been reached with the relevant agency that requires the property. The verification results are documented in the verification page, which the Governor will utilize to establish a preparatory team.

Comprising Assistant responsible for governmental affairs or officials designated as chairman; The leader of the province regional secretariat government bureau or an official appointed as secretary and member; Members include elements from the legal bureau of the provincial secretariat, the Regent/Mayor at the Land Acquisition site, provincial apparatus responsible for land affairs, the Head of the field overseeing Land Procurement from the Regional Office of the National Land Agency, and other pertinent provincial apparatus elements. Sub-district Head at the land acquisition site as a member; Village Head or equivalent at the land acquisition site as a member; Other relevant technical agency representatives as members. The Governor constituted the preparation team under Article 37, paragraph (1), of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Regulation Number 19 of 2021 concerning the Implementation of Government Regulation Number 19 of 2021 on Land Acquisition for Public Development.

The Preparation Team is tasked with the following responsibilities, as outlined in Article 38 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 19 of 2021 regarding the Implementation of Government Regulation Number 19 of 2021 on Land Acquisition for Public Development: notifying development plans, conducting initial data collection for the development location, permitting public consultation on development plans, and preparing and announcing the Determination of the Development Location for Public Interest. Assigned by the Governor, fulfill additional duties associated with the preparation of land acquisition for public development. During the preparatory phase, agencies that are interested in acquiring land are required to inform the community about the development plan, conduct an initial site survey, and facilitate a public

consultation regarding the development plan in collaboration with the Provincial Government, as outlined in the Land Acquisition Planning Document. Development proposals may be submitted directly or indirectly. The Secretariat of the Land Acquisition Preparation Team, which is located at the provincial regional office, provides support to the preparation team.

The consultation is performed at the development site or a mutually agreed-upon location, involving relevant stakeholders and affected groups. A reconvened Public Consultation will be conducted if any party raises concerns regarding the proposed development site. The actions of authorized entities and subjects of land acquisition are included in the preliminary compilation of location data. The procedure is completed within a maximum of thirty (30) working days from the notification of the development plan. The results of the initial location data collection serve as the basis for the Public Consultation. To establish a consensus among relevant stakeholders regarding the location of the development plan, a public consultation was conducted.

Public comment on development proposals is to be undertaken within a maximum of sixty (60) business days. A public consultation with the opposing party will be conducted for a maximum of thirty working days if the location plan is disputed by parties (Oka Setiawan, 2020: 205). If any parties continue to file complaints, the agency responsible for the land must disclose these objections to the Governor, who will subsequently assemble a committee to evaluate the objections related to the site plan. The objective of this team is to document objections that are raised, engage with the objecting parties to obtain clarification, and provide suggestions for the approval or rejection of those objections. The study recommendations of the team are either authorized or rejected within a maximum of fourteen business days of the Governor's acceptance of the proposal. The Governor issued a letter either endorsing or dismissing objections to the proposed development site based on these recommendations.

The Governor designates the construction location if objections to the proposed building site are discarded. Upon receiving objections to the development site plan, the Governor will notify the relevant agencies to submit the plan for consideration at an alternative location. The land's status can be clarified by determining its location, as complications may arise if the entity asserting land rights is the legitimate proprietor of the land being sold. Assume that there are still objections to the designation of the development site. The State Administrative Court

(PTUN) may be approached by the party who is entitled to the area determination to file a petition. Appeals to the Supreme Court (MA) are permissible for individuals who dispute the verdict of the State Administrative Court. The ongoing property purchase for public interest development is evaluated based on the court order, which has enduring legal effect (*inkracht*). Within two years, the construction site is established and may be extended by an additional year. Assume that the development site assessment deadline is not met. The remaining land that has not been acquired will be reviewed to identify the development site of public interest. To inform the community that development will take place in this area for the public benefit, the Governor and relevant agencies announced the designation of the construction site.

The Governor's preparatory team is indispensable for communicating development plans, and community participation is essential, as the endorsement of individuals impacted by land acquisition indicates that the development plan must be enhanced to benefit community welfare. The Governor may delegate the authority to prepare Land Acquisition for public development to the regent or mayor, taking into account efficiency, effectiveness, geographical conditions, human resources, and other pertinent factors, within a maximum of three days from the receipt of the Land Acquisition planning document, as detailed in Article 50 of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Public Development. The Regent/Mayor is required to establish a Preparatory Team within five days of obtaining authority from the Governor.

The agency requiring the land shall request an area decision from the Governor if the Regent/Mayor fails to establish the construction site within seven (7) days of the application date for Land Acquisition concerning National Strategic Projects or urgent/non-movable development sites. Assume that the Governor fails to specify the development site within seven days of the application date. The agency that is requesting the land must petition the Minister of Agrarian Affairs and Spatial Planning, who is also the Head of the National Land Agency, to issue a Location Determination. The building site will be designated by the Minister of Agrarian and Spatial Planning/National Land Agency within seven days of the petitioning agency's application.

The Head of the Regional Office designates the executor for Land Acquisition. The decision of the Land Acquisition implementer is rendered within five days of receiving the

application for Land Acquisition implementation. The Land Acquisition implementation team must comprise at least the following members: officials responsible for land acquisition at the Regional Office, the Head of the local Land Office at the acquisition site, provincial regional apparatus officials overseeing land issues, the local sub-district authority at the acquisition site, and the Village Head or an equivalent title at the land acquisition location. The Minister of Agrarian and Spatial Planning/National Land Agency oversees the execution of land acquisition, as outlined in Article 53 of Government Regulation Number 19 of 2021, concerning the Implementation of Land Acquisition for Public Interest Development. The execution is supervised by the Chief Executive of Land Acquisition, who concurrently serves as the Director of the Regional Office (BPN). The Head of the Land Office shall nominate the Land Procurement implementer as the Chief Executive of Land Procurement, in accordance with Article 55 of Government Regulation Number 19 of 2021 about the Implementation of Land Procurement for Public Interest. The Land Acquisition Implementer shall be established within a maximum of five (5) days following the receipt of the assignment. Within two days of the submission for Land Acquisition implementation, the Head of the Regional Office may designate the Head of the Land Office as the Chief Executive of Land Acquisition, considering efficiency, effectiveness, geographical conditions, and human resources, as stipulated in Article 54 of Government Regulation Number 19 of 2021 regarding the Execution of Land Acquisition for Public Interest. The membership structure of the land acquisition implementers is fundamentally straightforward. Officials from the Local Land Office at the Land Acquisition site; Regional apparatus officials from the regency or city responsible for land matters; Local sub-district officials at the Land Acquisition site; Village Heads or equivalent officials at the Land Acquisition location; Officials assigned to Land Acquisition at the Land Office.

Implementation of Land Acquisition

The land acquisition process comprises the following stages: inventorying and identifying land ownership, acquisition, utilization, preparation of nominative lists, evaluation of compensation, deliberation, validation, release of land rights, and compensation to the entitled party. The land acquisition implementation phase is crucial because it represents the conclusion of numerous land acquisition initiatives. These stages ultimately lead to the termination of the legal relationship between the subject and the object of land acquisition. The existence of criminal offense elements as defined in the Criminal Code is frequently linked to

the compilation of physical and legal data through inventory and identification. Therefore, the disbursement of compensation through state finances, whether from the State Budget or Regional Budget, is an act of corruption, as it entails expenditures that are deemed detrimental to state finances. The execution of a land purchase is contingent upon the submission of the following documents, as well as a request from an agency that requires land. The preliminary phase documents include decisions regarding site selection, along with a map of the development zone.

Initial information regarding the entitled parties and the purpose of land acquisition; Preliminary information regarding the communities that are affected; Minutes on the consensus reached on the construction site through public engagement; A request for the establishment of boundary markers for a parcel of property from the agency director. Approval letter for the release or use of forest areas, permits for the conversion of sustainable agricultural land, and permits for the modification of the status of village treasury land assets, waqf land, customary land, and/or land assets owned by the central government, local governments, land banks, State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), and/or Village-Owned Enterprises (BUMDes).

This letter pertains explicitly to land parcels designated as forest areas, sustainable agricultural land, village treasury land, waqf land, customary land, and/or land assets of the entities as mentioned earlier. A document that delineates the financial plan or readiness, including the specified operational costs, ancillary expenses, and compensation disbursements. The documentation for executing land acquisition applications is prepared in three copies.

The document is subsequently validated by the Chief Executive of land acquisition, who serves as the Head of the Regional Office of the local National Land Agency. Depending on the designated development site, agencies interested in acquiring land are required to submit a land procurement application to the relevant land authority. The land acquisition process comprises numerous phases. In addition to the application documentation, agencies that require land are required to present an explanation or presentation to the Head of the Regional Office of the National Land Agency regarding the land acquisition application.

Cataloging and delineation of land tenure, proprietorship, application, and utilization

The inventory and identification duty of measuring and mapping each land area must be finalized within a maximum of thirty working days. Additionally, data must be obtained from the land acquisition company and the appropriate party. The village and sub-district offices, as well as the land acquisition sites, must be informed of the inventory and identification results. Information regarding the rights, area, location, and map of the land parcel associated with the land acquisition item is included in the inventory and identification findings statement. Assume that any stakeholder is dissatisfied with the inventory results. Additionally, the land institution implements verification and rectification procedures. The parties eligible for payment are subsequently determined by the results of announcements, verifications, and enhancements made by land institutions. Consequently, individuals are permitted to submit an objection to the land authority within a maximum of 14 (fourteen) business days of the announcement. Verification and rectification will be conducted within 14 (fourteen) working days of receiving an objection to the inventory results.

Assessment of damages

The land institution's appraiser is accountable for conducting a compensation evaluation in compliance with relevant laws and regulations. The land purchase asset is appraised by the designated assessor, who is responsible for conducting the review. The appraiser's compensation is determined for each land parcel, which encompasses terrestrial, aerial, and subterranean regions, as well as edifices, flora, land-associated items, and other quantifiable losses. The compensation value that is assessed is determined at the time of the announcement of the construction site decision. The land institution receives the compensation amount in conjunction with the minutes, which is used as the foundation for discussions regarding the compensation assessment. The entitled party has the option to pursue a complete replacement of the land parcel if land acquisition affects a specific parcel of property, rendering a section unsuitable for its intended purpose.

Deliberations on the determination of compensation

The injured party has the right to submit an objection to the local district court within 14 working days of the discussion regarding the compensation ruling. The district court determines the nature and amount of compensation within thirty (30) working days of receiving the objection. The opposing party has the option to submit an appeal to the Supreme Court

within a maximum of fourteen business days. Upon receiving the appraiser's evaluation, the land institution consults with relevant stakeholders to ascertain the character and/or extent of compensation. The entitled parties are compensated by the results of the discussion agreement, as outlined in the agreement minutes. Assume that there is a disagreement regarding the compensation framework and/or its scope.

The following conditions are taken into account when making a compensation decision: Under the policy framework outlined in the pertinent statutes; The consistent viewpoint regarding equitable compensation, deliberation, public interest, and PTUP procedures; Executed with success, efficiency, collaboration, and directness. Provide suggestions, evaluations, viewpoints, and insights, and embrace one another. The discourse of substantial information, objectives, obstacles, comprehensive roles, equitable solutions, and ideal outcomes is essential for the efficient and effective execution of a project. It is imperative to engage all stakeholders in the deliberative forum in an equitable manner, without prioritizing the interests of any particular individual or group, and coercion between parties is prohibited during deliberation.

Compensation

The entitled party must confirm ownership of the land acquisition object to the Land Institution (Regional Office of the National Land Agency or Land Office) and relinquish their land rights to qualify for compensation. Alternative land, resettlement, equity ownership, financial remuneration, or any other method that is mutually agreed upon may be used to deliver compensation. The party can decline the form and extent of compensation under the District Court/Supreme Court's rulings or the results of deliberation. The local District Court is where the reparation is submitted. The Land Institution submits the results of land acquisition to the appropriate agency after the following: 1) the payment of compensation to the entitled party and the surrender of rights; and/or 2) the determination of damages by the District Court (Oka Setiawan, 2020:208). In the event of a consensual dispute regarding compensation in the District Court (PN), the party entitled to receive compensation for the land will be promptly identified based on the evaluation results determined in the deliberation and/or ruling of the District Court or the Supreme Court (MA). Agencies necessitating land may initiate development activities following the provision of land acquisition results.

Submission of Results

Upon the submission of the results, agencies that require land may commence development activities. Construction may begin immediately upon the identification of the site in the event of a calamity, whether it is caused by natural phenomena, armed conflict, civil disorder, or disease. Relevant stakeholders must be notified before the establishment of the development's location. The authorities responsible for the site may proceed with the development initiative, despite legal challenges and opposition regarding the property acquisition. The primary objective of land acquisition for public development is to guarantee justice for the affected individuals by providing them with appropriate compensation for their livelihoods (S. Tenong, M. D. Maroa, & R. Setiawan, 2021: 194-210). In this instance, the government or municipal authorities acquire land by expropriating land rights. The Land Institution, upon completion of the land acquisition process, submits the results, which include a land rights certificate, to the relevant agency that requires the land. Upon the disbursement of compensation to the eligible party or the deposit of compensation in the District Court, this procedure commences.

CONCLUSION

Property ownership is a fundamental human right that is safeguarded by both national and international legislation. The quality of human life is significantly enhanced through development. For development, the government has implemented numerous policies regarding land acquisition. The provision of land to the rightful parties through equitable and just compensation is known as land acquisition. Land ownership rights must be relinquished to the party that requires the land during the acquisition process. Grants, transfers, trades, or the annulment of rights may result in this. Consequently, procedural justice has been satisfied by land acquisition regulations. The land acquisition was deemed complete upon the distribution of compensation to the affected parties. Monetary payments, alternative land, resettlement, stock shares, or other mutually agreed-upon modalities may serve as compensation. The objective of land acquisition for public interest is to acquire land for development initiatives that enhance the welfare and prosperity of the nation and state. Land acquisition activities must be executed in a timely, precise, and transparent manner.

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