

The Land Acquisition Compensation Process for Public Interest based on Law No. 2 of 2012

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Abstract. *Law No. 2 of 2012 concerning Land Acquisition for Public Interest is carried out with the aim of providing land for development for the public interest by terminating the legal relationship between land rights holders and their land rights by providing appropriate compensation. And its implementing regulations are regulated in Presidential Regulation Number 71 of 2012. In the implementation of the Land Acquisition process, there are often obstacles in the process or become legal and social conflicts between land owners and institutions that need land. On this basis, the study aims to determine the process of providing land compensation that meets the principles of the Land Acquisition Law and this study is expected to be able to be used as a reference if similar problems occur. The method used in this study is Normative Jurisprudence, with a Statute Approach that is relevant to the Land Acquisition Law. The results of the study indicate that land acquisition for public interest as regulated in the Land Acquisition Law aims to create justice between the rights of land owners and the needs of national development. This process involves providing fair compensation, including physical and non-physical compensation, while taking into account the socio-economic balance of land owners. However, in its implementation, conflicts often arise related to the legitimacy of ownership and community resistance. This study emphasizes the importance of deliberation and dignified compensation mechanisms to maintain socio-economic stability. The conclusion of the research is Compensation is carried out transparently and through deliberation, taking into account the balance between landowner rights and development needs. The form of compensation includes physical and non-physical, aiming to maintain the socio-economic stability of landowners while supporting national development and protecting the rights of all parties in need.*

Keywords: *Acquisition; Compensation; Deliberation; Land.*

1. Introduction

God created humans from a lump of soil, to live, develop, and fulfill their needs on the land. Land is something meaningful to humans and is the common property of the Indonesian nation that must be guarded and maintained by the Indonesian nation. So that between humans, the Indonesian nation and the land there is an eternal relationship and cannot be separated from one another. Given the deep connection between these components, individuals, especially Indonesian citizens, become the main actors in the right to control agrarian resources both individually and collectively. The relationship between Indonesian society and land can be in the form of spiritual ties, collective - individual relationships, or individual - economic¹.

Article 33 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia emphasizes that land, waters, and natural resources embedded therein are controlled by the state and utilized optimally for the welfare of the people. The implication is that the geographical area and natural resources attached to it are controlled by the government and fully exploited for social prosperity, which requires the state to empower land, implement conceptual arrangements, and guide its use for the public interest, in order to realize prosperity and social balance for Indonesian citizens. Land has a social function related to resources that do not only have a legal dimension but also include social relations and social capital and structural capital towards humans that aim to optimize the economy of the Indonesian people, especially as a fundamental instrument in the development process. As a strategic asset, land has been transformed into an economic commodity that has high significance. However, from an alternative perspective, land protection is absolute, considering that land is a divine gift and an essential natural resource for collective entities - both nations, states, and social communities.²

Individual rights regarding land ownership in Indonesia are regulated in the Republic of Indonesia Law No. 5 of 1960 concerning Basic Agrarian Principles (UUPA). Clause 6 of the UUPA outlines the individual mechanism in exercising their ownership rights which definitively confirms that every land right has a social aspect, where the government as an institution that controls the region has the authority to regulate land for land rights holders and traditional groups that control and manage agrarian resources in their customary areas.³. The aspect of land release can be understood as land acquisition, which is realized with the intention of

¹ Dr. H.M. Arba, (2019), *Hukum Pengadaan Tanah Untuk Kepentingan Umum*, Cetakan I, Jakarta, p.1-2
https://books.google.co.id/books?id=Pc_E|A|A|AQB|AJ&lpg=PP1&dq=peng|ad|a|an%20t|an|ah%20untuk%20kepenting|an%20umum&lr&pg=PR4#v=onep|age&q=peng|ad|a|an%20t|an|ah%20untuk%20kepenting|an%20umum&f=false

² Annisa Noviana. (2015). "Analisa Yuridis Mengenai Pelaksanaan Pengadaan tanah Untuk Pembangunan Banjir Kanal Timur". *Skripsi Thesis Universitas Pembangunan Nasional Veteran Jakarta*,
<https://repository.upnvj.ac.id/2701/>

³Fengky Kotalewala et al. (2020), "Penyelesaian Sengketa dalam Pengadaan Tanah Bagi Pembangunan Jalan untuk Kepentingan Umum", *SASI Volume 26 Nomor 3*, <https://www.neliti.com/id/publications/529855/penyelesaian-sengketa-dalam-pengadaan-tanah-bagi-pembangunan-jalan-untuk-kepentingan>

preparing an area for public interest construction through a procedure to sever the legal bond between the subject who has the right to a plot of land and its ownership status, by providing adequate compensation. Furthermore, based on the legal study presented by leading legal experts, land acquisition is a judicial activity that includes the termination of the legal relationship that previously existed between the rights holder and the required location, accompanied by compensation in the form of finance, infrastructure, or other alternatives through dialogue to reach a consensus between the land owner and the party in need.⁴

The existence of legislative instruments related to land acquisition that was legalized by the administrative regime in the 2012 period, specifically Law No. 2 of 2012 which comprehensively describes Land Acquisition for Public Interest (Land Acquisition Law). The legislation is intended to protect the rights of each subject, both related to land acquisition and ownership status, during the land acquisition process. The implementation of the land acquisition policy is regulated through the legal instrument of Presidential Regulation of the Republic of Indonesia Number 71 of 2012 which was later modified into Presidential Decree Number 148 of 2015 concerning the Implementation of Land Acquisition for Public Interest. Both government officials and citizens in implementing land acquisition are required to refer to fundamental principles, namely the constitutional principles of the 1945 Constitution of the Republic of Indonesia and the philosophy of Pancasila.⁵

In the implementation of the Land Acquisition process, there are often various obstacles along the stages or even become the object of debate and legal and social disputes. For example, the emergence of local residents' resistance to the parameters and scope of Land Acquisition regulations for the public interest, residents' rejection related to procedures and the provision of land compensation to authorized agencies, and different perspectives in society related to material aspects in the regulatory framework,⁶ to the problem of non-transparent land ownership rights status which has the potential to prevent the government from providing compensation to local communities.⁷

A number of elements that often have the potential to become obstacles to the complex and prolonged land acquisition process in reaching a bright spot. Based on the studies that have been presented, it is essential and urgent to identify alternative solutions in overcoming the complexity of compensation arrangements for land acquisition, so that the balance between development for the public interest and community rights can be optimally fulfilled.⁸ Based on

⁴Dr. H.M. Arba. (2019). *Hukum Pengadaan Tanah Untuk Kepentingan Umum*, Cetakan I, Jakarta, p. 13-14

⁵Putri Lestari, (2020), "Pengadaan Tanah Untuk Pembangunan Demi Kepentingan Umum Di Indonesia Berdasarkan Pancasila", *SIGN Jurnal Hukum Vol 1, No 2*, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-71-86/24>, p.73

⁶Fengky Op.cit, p. 4

⁷Andi Batara Bintang Darnus et al., (2022), "Analisis perlindungan Hukum Terhadap Pemegang Sertifikat Hak Milik Atas Tanah Yang Mengalami Sengketa". *Jurnal Of Lex Generalis (JLS) Vol 3*, <http://www.pasca-umi.ac.id/index.php/jlg/article/view/1004/1142>

⁸Giffon Samosir. (2021), "Problematika Pemberian Ganti Kerugian Dan Solusi Dalam Pengadaan Tanah Untuk Pembangunan Runway 3 Bandara Soekarno Hatta Di Kabupaten Tangerang Provinsi Banten". *Kementerian Agraria dan Tata Ruang*, <https://repository.stpn.ac.id/317/1/Giffon%20Samosir-selection.pdf>

the background explanation that has been described previously, the focus of the academic investigation in this study is directed at two fundamental questions: first, how is the regulation of the compensation process for land acquisition in accordance with the Land Acquisition Law? Second, what are the legal implications of compensation that is not in line with the land acquisition mechanism for public interest based on the Land Acquisition Law?

This study distinguishes itself from previous research, due to its deeper focus on the principles of justice implemented in the compensation process. The scope of this study includes an approach to determining fair compensation to ensure fundamental protection for land rights holders and ensure the sustainability of welfare after the release of rights. Although this study shows a correlation with the research conducted by Dhaniswara K Harjono (2023) related to the Responsibilities of Appraisers in Land Acquisition for Public Interest Development, it reveals significant differences in the scope of the study raised. The previous reviewer conducted a comprehensive analysis of the evaluation methodology carried out by the Public Appraisal Services Office (KJPP) and assessment practitioners, with limitations in exploring the socio-economic implications for local communities. After identifying methodological gaps in previous research, this study presents an academic uniqueness in the form of an in-depth investigation into the perspectives of groups affected by the land acquisition process, namely examining how the deliberation mechanism can embody the principle of justice for the communities involved. Referring to this context, this study is intended to determine the mechanism for providing land compensation that is in line with the fundamental principles of the Land Acquisition Law. Furthermore, this study is expected to be a comprehensive reference when analogous issues arise. In addition, the results of this study are expected to provide a meaningful contribution in expanding and deepening scientific understanding in the area of State Administrative Law, as well as presenting essential information to stakeholders so that they can comprehensively understand the mechanism of land acquisition for public interest.

2. Research Methods

The methodology applied in this research is a Normative Juridical approach, which is implemented through a literature review of various documentation and written regulatory instruments.⁹ Legislative approach technique (Statute Approach) which is related to legal issues related to the Land Acquisition Law¹⁰. Sources of study materials include: Primary Legal Materials, including: regulatory instruments, official procedural records, judicial decisions, official state documents. Secondary Legal Materials, consisting of: legal literature, academic legal publications. Tertiary Legal Materials, which include: academic legal publications related to the evaluation of compensation in land disputes for the public interest.¹¹ Using the

⁹Muhammad Syahrums. (2022). *Pengantar Metodologi Penelitian Hukum Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi dan Tesis*, Cetakan pertama, p. 3

¹⁰ Dr. Muhaimin. (2020). *Metode Penelitian Hukum*.Cetakan Pertama

¹¹Ibid, p. 61-62

methodology of collecting information through library research,¹²with descriptive analysis techniques.

3. Results and Discussion

3.1. Arrangement of the Land Acquisition Compensation Provision Process in Accordance with Law No. 2 of 2012

Land and humans have an eternal relationship close, both of them support and complete each other, the important role of land for humans applies when humans are still alive and until they die, both for housing, economic sources, and for the last place of humans, namely burial. Along with the increasing need for land due to several factors, such as the increasing population, which naturally humans need land for shelter, rapid development of the era, both the Government, Regional Government, or the Private Sector need land to carry out development activities.

Thus, land has two fundamental roles, namely as a social asset and a capital asset, where the function of social assets is to act as an instrument of solidarity in the context of community life in Indonesia, while capital assets are positioned as fundamental components in the dynamics of human existence, so that both aspects aim to optimize the use of land for collective welfare and the creation of a sustainable and dignified life.¹³ Sustainable land demand continues to grow but the availability of areas is increasingly limited. This condition has hampered the administrative efforts of the state in carrying out development in the state territory, especially for public facilities, because some of the land has been controlled and owned by local communities. Considering the continued significance of optimizing state infrastructure facilities in order to realize collective welfare, the Government presents a comprehensive alternative through the process of land ownership release or revocation of land rights, which can be identified as land acquisition for the public interest.¹⁴

In essence, in the process of eliminating land ownership rights, the state has the authority to implement it, with the obligation to utilize, regulate, and direct the use of land for the public interest of the Indonesian people. The fundamental objective of the initiative is to create welfare and social equity for Indonesian citizens, in line with the mandate formulated in the constitutional clause of Article 33 Paragraph 3 of the 1945 Constitution. Furthermore, land ownership rights are comprehensively described in the UUPA on September 24, 1960, which

¹²Mahasiswa PGSD C. (2024). *Aneka Inovasi Pembelajaran Dari Studi Kepustakaan*, Ponorogo: Uwais Inspirasi Indonesia

¹³H.Suyanto. (2020). *Hapusnya Hak Atas Tanah Akibat Penitipan Ganti Rugi Kerugian Dalam Pengadaan Tanah Untuk Kepentingan Umum*. Cetakan pertama

¹⁴Miranda Nissa et al., (2021), "Hak Masyarakat Hukum Adat Dalam Pelaksanaan Pengadaan Tanah Ulayat Bagi Pembangunan Untuk Kepentingan Umum", *Salam: Jurnal Sosial Dan Budaya Syar-i*, <https://journal.uinikt.ac.id/index.php/salam/article/view/19395>, p.163

firmly states that land spread across various regions and islands cannot be viewed solely as belonging to local residents.¹⁵

Regulation Number 2 of the 2012 Edition concerning land acquisition for public interest is formulated based on three fundamental philosophical foundations: First, to produce a social structure that has justice, prosperity, and welfare in line with the national ideological principles and the 1945 Constitution of the Republic of Indonesia, government institutions have the responsibility to carry out development; Second, to ensure that the development process takes place cooperatively, a plot of land is needed whose land acquisition is carried out by prioritizing the principles of humanity, participation, and equality; Third, the previously existing legal instruments related to land acquisition for public interest have not been fully able to ensure the acquisition of land needed in the implementation of development.¹⁶

It is emphasized in depth in Law No. 2 of 2012 concerning the principles of land acquisition, namely (a) The Central and Regional Government Authorities guarantee the availability of land for public interest along with the allocation of funding; (b) The mechanism for acquiring land for public interest is implemented first by referring to the Spatial Planning documentation that describes the territorial configuration, then the comprehensive and integrative National/Regional Development Plan, the Comprehensive Strategic Plan that covers all aspects, and the Operational Framework of each institution that requires a location; (c) Land acquisition is implemented through a planning mechanism that comprehensively integrates all stakeholders and interested parties; (d) The realization of land acquisition must integrate the fundamental harmony between development demands and the perspectives of local communities; (e) Land acquisition for public interest is implemented by providing proportional and dignified compensation, while always respecting the dignity and rights of land owners.¹⁷

Throughout the implementation series, the provision of compensation for land acquisition must be realized following the protocol and tiered mechanisms mandated in Law No. 2 of 2012, along with implementing regulations stipulated through Presidential Decree Number 71 of 2012, with stages that include:

1. Planning Stages

Every institution that proposes a land application for construction in the public interest is obliged to design land acquisition in accordance with the prescriptions contained in Article 15 Paragraph (1) of the Land Allocation Law, which includes fundamental elements: (a) a comprehensive review of land characteristics, (b) temporal projections for asset acquisition, (c) estimation of land acquisition duration, (d) standard asset assessment criteria, (e) budget allocation planning. Land acquisition planning documents, in accordance with the provisions of

¹⁵Erica Gita Mogi et al, (2021), "Kajian Hukum Terhadap Pelaksanaan Musyawarah Penetapan Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum. *Lex Administratum*, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/38721/35284>, p.219

¹⁶ Djoni Sumardi Gozali. (2019). *Hukum Pengadaan tanah Di Indonesia (Pengaturan dan Prosedur Serta Tata Cara Pengadaan Tanah Untuk Kepentingan Umum)*. Cetakan pertama,

¹⁷ Law No. 2 of 2012

Article 15 Paragraph (2) of the Law, are prepared through an in-depth review of socio-economic aspects, a comprehensive assessment of geographical characteristics, fundamental economic analysis, detailed calculations of land valuation, and a comprehensive review of ecological implications and social dimensions. Furthermore, the documentation will be submitted by the relevant institution to the Governor in the area in question.

2. Preparation Stages

The preparation stages as regulated in Article 8 Paragraph (2) and Article 9 Paragraph (1) begin with the formation of a team by the Governor which is carried out within two working days after receipt of the required documents. The team is composed by including the Regent/Mayor, a number of relevant Regional Officials, Archives Officials, and various related stakeholders, with full support from the Provincial Secretariat. Article 18 Duties The land acquisition team includes notifying the public regarding the development plan, collecting initial data on the parties and property within 30 days, and obtaining location approval within 60 days. Article 46 In the event of a dispute, an investigation team will be constituted to resolve the issue within 14 working days, when the location has been approved or the objection is rejected, the Governor determines the location, which is valid for two years and has the potential for extension. The determination of the location will then be announced through the media and open places, and legal action can also be taken if there are still objections¹⁸.

3. Implementation Stages

In accordance with the provisions of Article 27 Paragraph (1) of the Land Acquisition Law, the application for the implementation of land acquisition is submitted to the land agency, which is managed through the representation of the National Land Agency (BPN) both at the provincial and district/city administrative levels. The procedure integrates a series of stages that include land mapping and verification, evaluation of compensation, the compensation process, and the mechanism for releasing land ownership rights. Furthermore, referring to Article 28 Paragraphs (1) and (2) of the Land Acquisition Law, the documentation and identification process must be completed within a period of no more than 30 calendar days, with the scope of activities including (a) Measurement; (b) Mapping of land areas; (c) Collection of information related to parties who have rights and the land objects concerned.

The compensation evaluation is carried out by an appraisal institution that has obtained valid certification from the BPN and the Ministry of Finance, and in situations where there are parties who do not agree with the nominal compensation, then the interested party is permitted to file an objection through a legal mechanism at the District Court, and the Land institution is obliged to make payments in accordance with the court decision that has obtained permanent legal force.

4. Results Submission Stage

¹⁸ Edi Rohaedi et al, (2019), "Mekanisme Pengadaan Tanah Untuk Kepentingan Umum", *Pakuan Law Review* Volume 5, <https://journal.unpak.ac.id/index.php/palar/article/view/1192>, p.208-216

In accordance with Article 112 Paragraph 1 and 4 of Presidential Decree Number 148 of 2016, the main coordinator of land acquisition is responsible for conveying all land acquisition results along with land assets to parties requiring land. Land acquisition documentation includes the acquisition of rights to real estate acquisition objects containing official news within 3 working days of issuance. After the handover process, with a maximum limit of 30 working days, the authorized agency is required to carry out registration/certification in order to begin the construction process¹⁹.

Land Acquisition carried out by the Government must have benefits for both the present and the future for the community, it is expected not to cause losses or decline in the lives of land owners whose rights are taken, so a government policy must fulfill a sense of justice and be in line with the reality on the ground. Not creating a discrimination process for both land owners and land acquisition parties, so that the regulatory system has a binding nature for various parties who have interests and does not harm each other because of the birth of policies that are not biased²⁰. The principles of justice and legal certainty provided by the Government can avoid the land acquisition compensation process which often causes conflict.

Land acquisition compensation in Article 9 Paragraph (2) of Law No. 2 of 2012 outlines the procedure for providing compensation which must be realized by providing proportional and appropriate compensation, so that rights holders have the opportunity to achieve a more dignified standard of living.²¹ Land acquisition for public interest must be implemented by providing equitable and proportional compensation, while conducting a comprehensive analysis of the correlation between development priorities and complex social contexts. In essence, constructive dialogical interaction between land owners and entities requiring land assets is an absolute necessity in the process of providing compensation for land acquisition, with the aim of achieving a comprehensive consensus among all stakeholders through an inclusive deliberation mechanism. If a mutual agreement is not reached as stipulated in Law No. 2 of 2012 Article 38, then the legal mechanism that can be implemented by the land owner can be carried out by the Compensation Recipient who is permitted to submit an application to the local District Court within a maximum time interval of 14 (fourteen) working days after the issuance of the compensation decision; then the District Court will determine the format and nominal compensation within a maximum time span of 30 (thirty) working days after receiving the application for approval; In the event that there are parties who do not agree with the results of the District Court's decision, they can continue legal efforts by filing an appeal to the Supreme Court within a period not exceeding 14 working days after the announcement of the decision from the District Court; The Supreme Court is obliged to issue a decision within a period of no more than 30 working days after receiving the appeal; and the

¹⁹ Maya Pupuh Rahsa. (2023). "Keseimbangan Kepentingan Pembangunan Dan Masyarakat Dalam Pengadaan Tanah", *Repository Universitas Jember*, <https://repository.unej.ac.id/xmlui/handle/123456789/122707>

²⁰ Setiyo Utomo. (2020). "Problematika Proses Pengadaan Tanah". *Jurnal Justisia Vol 5 No 2*, <https://jurnal.ar-raniry.ac.id/index.php/Justisia/article/view/8452>

²¹Law No. 2 of 2012

decision issued by the District Court/Supreme Court which has obtained permanent legal force will be the basis for providing compensation to the party who disagrees.²²

3.2. Legal Consequences of Compensation Not in Accordance with Land Acquisition for Public Interest Based on Law No. 2 of 2012

The provision of compensation in accordance with Law No. 2 of 2012 reflects a fair and proportional compensation mechanism for subjects who have rights in the land acquisition process. The compensation mechanism is implemented by an independent assessment entity, as described in the normative provisions of Article 32 Paragraph (1), which is implemented based on specific land units, which include (a) Land area; (b) Spatial dimensions above and below the land surface; (c) Architectural structure; (d) Flora; (e) Entities related to the area; (f) Additional compensation that can be assessed quantitatively, including immaterial aspects that can be transformed into monetary representation, including: loss of livelihood.²³

Every legal action will produce legal consequences, whether realized by a legal entity, activities that are in line with legal norms, or activities that are contrary to legal norms. Meanwhile, according to Syarifin's perspective, legal consequences refer to all implications produced by a legal subject towards a legal object or various other implications that arise due to specific events that have been definitively determined or perceived as legal consequences by the relevant legal system.²⁴

The validity of the restoration of rights regarding the revocation of land ownership rights, or the provision of compensation through land acquisition must be realized proportionally, not only significant from an equity perspective, but also fundamental to all related dimensions. The provision of compensation will be important because it will have legal consequences that will have a direct impact on social and economic justice for the affected landowners.

Fair compensation recognizes and protects the rights of landowners.

through several fundamental mechanisms:

1. Respect for property rights: Through the provision of adequate compensation, the Government expresses its deep recognition of individual property rights to land. This effort is intended to ensure balance and ensure that landowners do not suffer substantial losses due to land acquisition carried out for the public interest.

²²Sofyan Alim. (2024). "Pemberian Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum Terhadap Tanah Hak Milik". *Gorontalo Law Review*, <https://jurnal.unigo.ac.id/index.php/golrev/article/view/3332/1368>

²³Adrian Sutedi. (2020). *Implementasi Prinsip Kepentingan Umum Di Dalam Pengadaan Tanah Untuk Pembangunan*. Cetakan pertama, p. 427- 426

²⁴William Matthew Theogives Tamo. (2022). "Perlindungan Hukum Bagi Penerima Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum". *Lex Crimen Vol.11 Nomor 4*, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/42047>

2. Financial compensation: The compensation mechanism is designed to provide comprehensive financial support to landowners, enabling them to reconstruct lost assets or allocate the funds as capital for sustainable economic development. This strategy aims to maintain the economic stability of landowners and their families' life support systems.

Article 13 Paragraph (1) outlines the compensation mechanism that can be realized through several alternatives, namely monetary compensation, allocation of replacement residential land, and equity contributions in the form of capital participation (shares). Deliberation is a fundamental mechanism in the compensation determination process that is carried out collaboratively between the agency that requires the land and the land owner, with the orientation of reaching a mutual agreement and then implementing the release of ownership rights through compensation. In this context, the Government is required to consider the following criteria: (a) Proportionality: refers to the proportional correlation between lost rights and compensation that must meet the standards of justice in accordance with applicable legal norms and social rules; (b) Feasibility: conditions in which compensation is not only proportional, but also meets the criteria of fairness if the replacement is carried out through an alternative mechanism; (c) Careful calculation: an approach that involves comprehensive evaluation including temporal dimensions, valuation, and systematic gradation.²⁵

A fair and transparent compensation process has a positive impact on public trust in the Government and the legal system. When the Government carries out the land acquisition process with high integrity and accountability, the public can see that their rights are respected and secured. This increases public trust in Government institutions and the legal process. The public needs to participate in consultations and decision-making, with the commitment given by the Government will provide a sense of public trust and prevent conflicts, both disputes and rejection of development projects.²⁶ The dimensions of compensation that meet standards and are in line with land acquisition mechanisms and procedures are fundamental parameters in evaluating the success of state administrative initiatives in realizing infrastructure projects for the actualization of public interests.

4. Conclusion

The regulation and provision of compensation in land acquisition for public interest as regulated in Law No. 2 of 2012 aims fundamentally to optimize the efficiency of national development and create a fair balance between the rights of land holders and institutions that require land assets. Agrarian Law No. 5 of 1960 comprehensively outlines regulations related to land use in the Indonesian archipelago, where land has fundamental significance in human existence with a multidimensional strategic function, namely acting as a social instrument and economic capital focused on improving community welfare. Consequently, the land acquisition

²⁵*Ibid*, p. 8

²⁶ Annisa Berliani et al., (2024), "Pemberian Ganti Kerugian Atas Pembebasan Tanah Untuk Kepentingan Umum Dalam Perspektif Keadilan". *Collegium Studiosum Jurnal Vol 7 No.1*, <https://ejournal.stih-awanglong.ac.id/index.php/csi/article/view/1338/788>

process must be carried out based on the provisions of the Land Acquisition Law, with the government obliged to ensure that the mechanism is carried out through transparent, fair, and constructive deliberation-based stages. Also related to the form of appropriate compensation including physical and non-physical compensation, such as relocation costs and economic losses. It is undeniable that in the process, land acquisition is often faced with various substantive conflicts, including disputes related to the legitimacy of land ownership and resistance from local communities concerned. As a result, the compensation mechanism outlined in Law No. 2 of 2012 Article 9 Paragraph (2) describes the compensation protocol that must be executed through proportional and dignified compensation allocation, with the aim of providing opportunities for parties who have legitimacy to optimize their socio-economic existence qualifications, and simultaneously provide legal protection and minimize the potential for disputes. Deliberation between the landowner and the land acquisition team is mandatory for the smooth running of the land acquisition compensation process in order to ensure justice and provide public trust. Adequate compensation from various sides is expected to be able to maintain the socio-economic stability of land owners and support the success of development for the public interest in a sustainable manner.

5. References

Journals:

- Annisa Noviana. (2015). "Analisa Yuridis Mengenai Pelaksanaan Pengadaan tanah Untuk Pembangunan Banjir Kanal Timur". *Skripsi Thesis Universitas Pembangunan Nasional Veteran Jakarta*, <https://repository.upnvi.ac.id/2701/>
- Fengky Kotalewala et al,. (2020), "Penyelesaian Sengketa dalam Pengadaan Tanah Bagi Pembangunan Jalan untuk Kepentingan Umum", *SASI Volume 26 Nomor 3*, <https://www.neliti.com/id/publications/529855/penyelesaian-sengketa-dalam-pengadaan-tanah-bagi-pembangunan-jalan-untuk-kepentingan>
- Putri Lestari, (2020)," *Pengadaan Tanah Untuk Pembangunan Demi Kepentingan Umum Di Indonesia Berdasarkan Pancasila*", *SIGN Jurnal Hukum Vol 1, No 2*, <https://jurnal.penerbitsign.com/index.php/sjh/article/view/v1n2-71-86/24>
- Andi Batara Bintang Darnus et al,. (2022), "Analisis perlindungan Hukum Terhadap Pemegang Sertifikat Hak Milik Atas Tanah Yang Mengalami Sengketa". *Jurnal Of Lex Generalis (JLS) Vol 3*, <http://www.pasca-umi.ac.id/index.php/jlg/article/view/1004/1142>
- Giffon Samosir. (2021), "Problematika Pemberian Ganti Kerugian Dan Solusi Dalam Pengadaan Tanah Untuk Pembangunan Runway 3 Bandara Soekarno Hatta Di Kabupaten Tangerang Provinsi Banten". *Kementrian Agraria dann Tata Ruang*, <https://repository.stpn.ac.id/317/1/Giffon%20Samosir-selection.pdf>
- Miranda Nissa et al,. (2021), "Hak Masyarakat Hukum Adat Dalam Pelaksanaan Pengadaan Tanah Ulayat Bagi Pembangunan Untuk Kepentingan Umum", *Salam: Jurnal Sosial Dan Budaya Syar-i*, <https://journal.uinjkt.ac.id/index.php/salam/article/view/19395>
- Erica Gita Mogi et al, (2021), "Kajian Hukum Terhadap Pelaksanaan Musyawarah Penetapan Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum. *Lex Administratum*, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/38721/35284>

- Edi Rohaedi et al, (2019), "Mekanisme Pengadaan Tanah Untuk Kepentingan Umum", *Pakuan Law Review Volume 5*, <https://journal.unpak.ac.id/index.php/palar/article/view/1192>
- Maya Pupuh Rahsa. (2023). "Keseimbangan Kepentingan Pembangunan Dan Masyarakat Dalam Pengadaan Tanah", *Repository Universitas Jember*, <https://repository.unej.ac.id/xmlui/handle/123456789/122707>
- Setiyo Utomo. (2020). "Problematika Proses Pengadaan Tanah". *Jurnal Justisia Vol 5 No 2*, <https://jurnal.ar-raniry.ac.id/index.php/Justisia/article/view/8452>
- Sofyan Alim. (2024). "Pemberian Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum Terhadap Tanah Hak Milik". *Gorontalo Law Review*, <https://jurnal.unigo.ac.id/index.php/golrev/article/view/3332/1368>
- Wiliam Matthew Theogives Tamo. (2022). "Perlindungan Hukum Bagi Penerima Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum". *Lex Crimen Vol.11 Nomor 4*, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/42047>
- Annisa Berliani et al,. (2024), "Pemberian Ganti Kerugian Atas Pembebasan Tanah Untuk Kepentingan Umum Dalam Perspektif Keadilan". *Collegium Studiosum Jurnal Vol 7 No.1*, <https://ejournal.stih-awanglong.ac.id/index.php/csi/article/view/1338/788>

Books:

- Dr. H.M. Arba. (2019). *Hukum Pengadaan Tanah Untuk Kepentingan Umum*, Cetakan I, Jakarta
- Muhammad Syahrudin. (2022). *Pengantar Metodologi Penelitian Hukum Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi dan Tesis*, Cetakan pertama
- Dr. Muhaimin. (2020). *Metode Penelitian Hukum*. Cetakan Pertama
- Mahasiswa PGSD C. (2024). *Aneka Inovasi Pembelajaran Dari Studi Kepustakaan*, Ponorogo: Uwais Inspirasi Indonesia
- H.Suyanto. (2020). *Hapusnya Hak Atas Tanah Akibat Penitipan Ganti Rugi Kerugian Dalam Pengadaan Tanah Untuk Kepentingan Umum*. Cetakan pertama
- Djoni Sumardi Gozali. (2019). *Hukum Pengadaan tanah Di Indonesia (Pengaturan dan Prosedur Serta Tata Cara Pengadaan Tanah Untuk Kepentingan Umum)*. Cetakan pertama,
- Adrian Sutedi. (2020). *Implementasi Prinsip Kepentingan Umum Di Dalam Pengadaan Tanah Untuk Pembangunan*. Cetakan pertama
- Muhammad Syahrudin. (2022). *Pengantar Metodologi Penelitian Hukum Kajian Penelitian Normatif, Empiris, Penulisan Proposal, Laporan Skripsi dan Tesis*

Regulation:

- Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest
- Law No. 5 of 1960 concerning basic agrarian principles (hereinafter referred to as UUPA)