

COMPENSATION FOR LAND PROCUREMENT FOR PUBLIC INTERESTS LAW AND INTERNATIONAL SAFEGUARD PERSPECTIVE

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Abstrak

Conflicts when acquiring land for public purposes cannot be avoided. Land acquisition for public purposes is part of development carried out by the state through land acquisition. Conflicts such as land owners not accepting compensation provided by the state include problems during land acquisition. The aim of this research is to find the causes of conflict between land owners and the government when procuring land for public purposes. The second objective is to find a form of compensation that is carried out from the perspective of law and international safeguards. The research method used is a descriptive qualitative method. Meanwhile, data collection was carried out by collecting various scientific articles, laws and international safeguard documents. After that, make comparisons and draw various conclusions. The findings are that there is conflict between the government and land owners because compensation does not match the land owner's perspective. The solution taken is through deliberation to reach a consensus so that the land owner is willing to relinquish their rights to the land. Another result is that the compensation given from a legal perspective is very fair because it takes into account various aspects including the economic value of the land. Meanwhile, Safeguard International views it as more comprehensive because it is not just compensation based on economic value but there is empowerment for the affected communities, including gender empowerment and replacement of livelihood sources.

Keywords: Land acquisition, public interest, international safeguards, compensation, conflict

I. INTRODUCTION

In every development activity, the availability of land for development land is often an obstacle. Obstacles are faced because land is a limited natural resource, especially state land is also very limited in supply. To provide this land, procurement needs to be carried out. Land procurement is the activity of providing land by providing adequate and fair compensation to the entitled parties (Muliawan 2018). Land acquisition is an activity of taking land by the government in

the context of carrying out development for the public interest. Land acquisition is accompanied by providing compensation to communities affected by land acquisition. In its implementation, land acquisition does not always run smoothly, where there are often residents affected by the procurement who are dissatisfied with the amount of compensation provided by the government¹.

¹ Prabandari, Luh Nyoman Diah Sri, I Wayan Arthanaya, and Luh Putu Suryani. "Pemberian Ganti Rugi Terhadap Pengadaan Tanah Oleh Pemerintah

Land acquisition is for the public interest including the interests of the nation and state as well as the common interests of the people by taking into account social, political, psychological and national defense aspects based on the principles of National Development with regard to National Resilience and Archipelago Insights². The use of community land in development carried out by the government for the public interest is what is then called land procurement as regulated in Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, which in Article 1 number 2 states that procurement Land is the activity of providing land by providing adequate and fair compensation to the entitled parties. Then, Article 1 number 6 also emphasizes that the public interest is the interest of the nation, state and society which must be realized by the government and used as much as possible for the prosperity of the people³.

In practice, owners of land rights are not always willing to hand over or transfer their property rights to agencies that need the land. This often happens when the amount of

compensation offered by the agency is deemed inappropriate. Because land rights owners do not want to surrender or relinquish their rights for the benefit of the authorities, there is the possibility of conflict between land search authorities and land rights owners⁴. In this revocation, compensation is still given, although the amount is not as stated in the previous land acquisition deliberation forum. The government's willingness to sacrifice their land for the public interest certainly needs to be given adequate compensation, because by acquiring this land the land owner will lose their residence, business land, etc. as a means of supporting their life, and they will think whether in their new place they can be better off. whether in life or not⁵.

Land acquisition activities will of course involve the people who own the land and the government that needs the land. The basic need for society is land, so if the land owned does not have legality then every land acquisition process will often lead to disagreements between the wishes of the government and the community. Land acquisition can be carried out effectively by

Untuk Kepentingan Umum.” *Jurnal Analogi Hukum* Vol. 3, No.). (2021) pp. 1–5.

² Ali, Arifin. 2021. “*Konflik Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Studi Kasus Di Dinas Perumahan Permukiman Dan Pertanahan Kota Tidore Kepulauan* 6: (2021) pp. 151–55.
<https://akrabjuara.com/index.php/akrabjuara/article/view/1694/1499>.

³ Sarif, Asri, Rahman Hasima, and Ayib Rosidin. “Penyelesaian Konflik Pengadaan Tanah Untuk Kepentingan Umum.” *Law Review* Vol. 6, No. 1. (2022) pp. 58–81.

⁴ Debora, Agnes, and Wardani Rizkianti. “Tindakan Hukum Konflik Pengadaan Tanah Untuk Kepentingan Umum Undang-Undang Nomor 2 Tahun 2012 Tentang Pengadaan Tanah Bagi Kepada Masyarakat Yang Terkena Efeknya Selain Uang Kompensasi , Yaitu Opsi.” Vol. 6, No. 3. (2023) pp. 1–11.

⁵ Aris Syahputra Situmorang. “Penyelesaian Sengketa Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum.” *Meysita Arum Nugroho*. Vo. 6, No. 2. (2022). pp. 2983–90.

not using coercion to obtain land⁶. Land use must be adapted to the circumstances and nature of the rights, so that it is beneficial for the welfare and happiness of those who own it, the community and the state. However, this does not mean that individual interests will be completely suppressed by public interests⁷. The main problem in land acquisition is the issue of compensation.

Compensation can be done through deliberation activities. However, according to residents, the compensation was too small from an economic perspective. After there is a complaint, compensation can be increased in nominal terms. Another complaint is that the replacement process takes a long time so residents experience difficulties due to the costs involved. Meanwhile, compensation cannot yet be realized⁸. Procurement of land for development in the public interest provides respect for land rights holders by providing legal protection and by providing fair and appropriate compensation to entitled parties, but in reality the rights holders who provide their rights often experience a decline in quality compared to their original state

before release. land rights⁹. Appropriate compensation is based on the real/actual value of the land or objects in question.

The pattern for determining compensation for land in our country is determined through deliberation taking into account local general prices in addition to other factors that influence land¹⁰. In order to feel fair to rights holders, certain criteria should be applied objectively, with predetermined standards. Apart from that, the final determination of the amount of compensation must be reached through discussion between the right holder and the agency that requires the land. For buildings, the estimated compensation should take into account the costs incurred for necessary repairs, after the land acquisition is announced¹¹. With differences of opinion regarding the amount and/or form of compensation between the entitled party and the agency that requires the land, to resolve the issue of compensation, several ways of determining compensation that can be agreed upon by the parties can be used, such as determining compensation by the land

⁶ Utomo, Setiyo. "Problematika Proses Pengadaan Tanah." *Jurnal Justisia : Jurnal Ilmu Hukum, Perundang-undangan dan Pranata Sosial*. Vol. 5, No. 2. (2020). pp. 20.

⁷ Harahap, Roosdiana. "Kebijakan Ganti Rugi Pengadaan Tanah Untuk Kepentingan Umum Dengan Berlakunya Undang-Undang Cipta Kerja." *Al-Qisth Law Review*. Vol. 7, No. 1. (2023). pp. 88.

⁸ Suraji, Suraji et al. "Analisa Permasalahan Pengadaan Tanah Dan Dampak Sosial Pembangunan Jalan Tol Manado-Bitung." *Jurnal Media Birokrasi*. (2022). pp. 85–98.

⁹ Kotalewala, Fengky, Adonia Ivone Laturette, and Novyta Uktolseja. "Penyelesaian Sengketa Dalam Pengadaan Tanah Bagi Pembangunan Jalan Untuk Kepentingan Umum." *Sasi*. Vol. 26, No. 3. (2020). pp. 415.

¹⁰ Mulyadi, Mohammad. "Implementasi Kebijakan Pengadaan Tanah Untuk Kepentingan Umum Di Jakarta Utara." *Pusat Penelitian Badan Keahlian DPR RI*. (2017)

¹¹ Sagala, Samuel, Besty Habeahan, and Jinner Sidauruk. "Penetapan Nilai Ganti Rugi Kerugian Atas Tanah Dalam Hal Pengadaan Tanah Demi Kepentingan Umum (Studi Kasus Putusan No. Reg. 297/Pdt.G/2018/Pn. Cbi)." *Nommensen Journal of Private Law*. Vol. 1, No. 1. (2022). pp. 37–42

procurement committee, filing a lawsuit in court, and several other ways so that an agreement regarding compensation can be reached.

If the methods mentioned above still do not bring results, then other alternative solutions can be used by depositing compensation in the district court¹². Applying this principle to the implementation of land acquisition can minimize the occurrence of conflicts in land procurement. Providing compensation to land rights holders is appropriate and fair, appropriate in terms of amount and appropriate in terms of the method of giving so that land rights holders do not feel forced to release their land to be used for development purposes based on the principle of respect for land rights holders¹³. This situation is in line with where land acquisition for development in the public interest must be carried out based on the principles of humanity, benefit, certainty, openness, agreement, participation, prosperity, sustainability and harmony¹⁴.

This condition causes conflict if it does not comply with the expectations of the land owner. For example, land that has been used as a harvest area to make money is a source of income for the future of school-going children. This source will disappear and will

suffer even more losses if it is not replaced non-physically by the government. So far, the government has only compensated for physical losses but has not been optimal in compensating for non-physical losses¹⁵. The proof is that all this time the problem with land acquisition is that it is no longer the people who do not agree to the price quoted, but rather that the government has not provided a compensation price even though this land belongs to the people, they work on it, care for it and look after it well, when their land is used. for the construction of toll roads, the Government is obliged to pay for their hard work by paying compensation. The only way out of this conflict is to listen to community complaints by paying compensation according to the initial agreement¹⁶.

One side of this issue has been regulated in law, the principle of land acquisition for the public interest must comply with the provisions of Law no. 2 of 2012 concerning Land Acquisition for Development in the Public Interest. Article 1 point 10 of law no. 2 of 2012 states that compensation is appropriate and fair compensation to parties who are entitled to it in the land acquisition process. Article 36 of this law states that compensation for land

¹² Iqsal Madani, Sako. "Analisis Terhadap Penetapan Nilai Ganti Untung Pengadaan Tanah Untuk Kepentingan Umum Dalam Pembangunan Jalan Tol." *Online Administrative Law & Governance Journal*. Vol. 4, No. 2. (2021). pp. 2621–2781.

¹³ Aris Syahputra Situmorang. *Opcit*

¹⁴ *Ibid*

¹⁵ Iga Gangga Santi Dewi. "Konflik Tentang Ganti Rugi Non Fisik Pada Pengadaan Tanah Untuk Kepentingan Umum." *Jurnal Masalah Masalah Hukum*. Vol. 46, No. 3. (2017)

¹⁶ Urrahmi, Miftah et al. "Implementasi Kebijakan Sistem Zonasi Dalam Penerimaan Mahasiswa Baru ". *Jurnal Mahasiswa Ilmu Administrasi Publik (JMIAP)*. Vol. 2, No. 2. (2020). pp. 9–17.

acquisition for public purposes can be in the form of: a. Money; b. replacement land; c. resettlement; d. shareholding; or e. other forms agreed to by both parties¹⁷. In addition, in essence, national law recognizes and respects land rights owned by the community, and provides guarantees of legal certainty by establishing and enforcing Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (hereinafter referred to as Law No. 5 of 1960). Establishment of Law no. 5 of 1960 is to realize the provisions of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which stipulates that "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people¹⁸.

Based on the above statutory regulations, it is clear that in deliberations on determining compensation, the amount of compensation to be discussed is basically determined by the Government. The amount of compensation for land is based on the local general price determined periodically (NJOP), compensation for buildings is based on the estimate of the government agency responsible for the building sector, and compensation for crops is based on the

estimate of the government agency responsible for the agricultural sector¹⁹. Based on the findings above, it illustrates that land acquisition for public purposes may be carried out by the state by considering the impacts and losses from land acquisition activities. However, land acquisition creates big problems for land owners who release land for public use. The research above illustrates that there are still conflicts, especially in determining the amount of compensation that will be given to owners who release land, in terms of time, sometimes it is not on time and compensation is more focused on physical aspects but does not pay attention to non-physical aspects.

II. METHODS

Research on the topic of Comparison of Land Acquisition for the Public Interest from the perspective of National Law and International safeguard standards. The method in this research is a qualitative method. Qualitative research emphasizes its analysis more on deductive and inductive inference processes as well as on analysis of the dynamics of relationships between observed phenomena, using logic. When explored more deeply, the difference between a qualitative approach and a quantitative approach is not only in terms of the type of data and analysis as well as the philosophical framework of

¹⁷ Prasetyo, Agung Basuki. 2018. "Prinsip Pengadaan Tanah Bagi Kepentingan Umum." *Administrative Law and Governance Journal*. Vol. 1, No. 3. (2018). pp. 259–67.

¹⁸ Lestari, Putri. "Pengadaan Tanah Untuk Pembangunan Demi Kepentingan Umum Di Indonesia Berdasarkan Pancasila." *SIGn Jurnal Hukum*. Vol. 1, No. 2. (2020). pp. 71–86

¹⁹ Sufriadi, Yanto. "Penyebab Sengketa Pengadaan Tanah Untuk Kepentingan Umum (Studi Kasus Sengketa Pengadaan Tanah Untuk Kepentingan Umum Di Bengkulu)." *Jurnal Hukum Ius Quia Iustum*. Vol. 18, No. 1. (2011). pp. 42–62.

science used²⁰. Qualitative research methods also emphasize the aspect of understanding in depth a problem rather than looking at the problem to generalize. Prefer to use in-depth analysis techniques, namely examining problems on a case by case basis because qualitative methodology believes that the nature of one problem will be different from the nature of other problems²¹.

Based on several expert opinions above, it can be concluded that qualitative research is research intended to understand certain phenomena. This phenomenon can be something experienced by research subjects such as behavior, perception, motivation, action and so on which are holistically described in the form of words that describe the conditions as they are. The data obtained was processed using qualitative methods, with inductive/qualitative data analysis. The results of this qualitative research emphasize meaning rather than generalization²². In this research, there are several stages carried out starting from searching for various types of scientific articles to finding topics that are directly related to the research objectives. Articles and books relating to land acquisition in general, both national standards using

national law on land acquisition and international documents including safeguard standards.

These findings are collected, identified one by one, looking for differences between the two and drawing conclusions from each finding. Supporting data includes data originating from international legislation and regulations governing land acquisition. When all the data has been collected, start writing paragraphs about each finding. Each finding will continue to be supported by scientific data from various sources including national scale scientific journals indexed by Sinta and Garuda as well as other supporting documents such as research reports. The results of each finding will continue to be supported by other findings until the data is considered valid after qualitative analysis. A description of each finding that is supported by other findings will produce a more valid description of the results.

III. FINDINGS AND DISCUSSION

Land acquisition for public purposes has been recorded for a very long time in Indonesian legislation. Land procurement for public purposes aims to provide land for the implementation of development in order to increase the welfare and prosperity of the nation, state and society while still guaranteeing the legal interests of the entitled parties²³. There are three principles from

²⁰ Zuchri Abdussamad. *Metode Penelitian Kualitatif*. CV. syakir Media Press iii. Makassar. (2022)

²¹ Rusandi, and Muhammad Rusli. "Merancang Penelitian Kualitatif Dasar/Deskriptif Dan Studi Kasus." *Al-Ubudiyah: Jurnal Pendidikan dan Studi Islam*. Vol. 2, No. 1. (2021). pp. 48–60.

²² Fiantika, Feny Rita et al. *Metodologi Penelitian Kualitatif*. PT. Global Eksekutif Teknologi. Sumatera Barat. 2022

²³ Rachmawati, D., R. Setyasuryantoro, and F. T. Ylma. "Penyerahan Pembayaran Ganti Rugi Oleh *Jurnal Ilmiah "Advokasi" Vol 13 No. 01, March, 2025*

which it can be concluded that an activity is truly in the public interest, namely that the activity is truly owned by the government. Contains restrictions that public interest activities are not owned by individuals or the private sector. In other words, the private sector and individuals cannot have types of public interest activities that require the acquisition of private or state land²⁴.

Based on the Law of the Republic of Indonesia number 2 of 2012 concerning land acquisition for development in the public interest in article 10, these public interests include: (a) national defense and security, (b) public roads, toll roads, tunnels, railway lines, train stations and train operation facilities, (c) reservoirs, dams, weirs, irrigation, drinking water channels, water and sanitation sewers, and other water structures, (d) ports, airports and terminals, (e) oil, gas and geothermal infrastructure (f) generation, transmission, substations, networks and distribution of electricity, (g) Government telecommunications and information networks, (h) waste disposal and processing sites, (i) Government/Government hospitals Regional, (j) public safety facilities, (k) Government/Regional Government public cemeteries, (l) social facilities, public

facilities and public green open spaces, (m) nature reserves and cultural heritage, (n) Government offices/ Regional/village government, urban slum settlement planning and/or land consolidation, as well as housing for low-income people with rental status, government/regional government educational or school infrastructure, government/regional government sports infrastructure and (r) public markets and public parking lots . After that, land acquisition for public purposes continued to develop.

Ultimately, there are additional sections for general interests in government regulations including upstream and downstream oil and gas industrial areas initiated and/or controlled by the Central Government, Regional Government, state-owned enterprises, or regional-owned enterprises. Apart from that, special economic zones are initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises. In addition, industrial areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises and tourism areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or business entities regional property. Then, food security areas are initiated and/or controlled by the Central Government, Regional Government, state-owned enterprises, or regional-owned enterprises.

Pemerintah Daerah Atas Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum (Studi Kasus Putusan Mahkamah Agung Nomor 3726/K/Pdt/2016)". *UNES Law Review*, Vol. 6, no. 1, Sept. 2023, pp. 2076-85

²⁴ Wahid, Abdul, Susilo Handoyo, and Johan's Kadir Putra. "Mechanism Of Compensation In Land Availability Artikel." *Jurnal Lex Suprema*. Vol. 2, No. 1. (2020): 924-41.

Lastly, technology development areas initiated and/or controlled by the Central Government, Regional Government, state-owned enterprises, or regional-owned enterprises. The stages of land acquisition starting from land acquisition for development in the public interest are carried out through the stages: planning, preparation, implementation and delivery of results. Apart from that, the stages involved in the land acquisition process include determining the location and designation of land, preparing a land acquisition plan, notifying land owners, providing compensation, offering and agreeing on prices, paying compensation, and transferring land rights to the government. Each of these stages has an important role in maintaining the principles of justice and protecting the rights of land owners²⁵. Old laws and regulations have been replaced with new laws. The law that regulates land acquisition is currently law. When land is affected by national development, the government must compensate land used for public purposes.

Compensation must apply the principles of justice and not harm the land owner. Based on Republic of Indonesia government regulation number 39 of 2023 in article 76 paragraph 1, compensation can be given in the form of money, replacement land,

resettlement, share ownership or other forms agreed to by both parties. This form of compensation has also been explained in Republic of Indonesia Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, Article 36. This is the case in Republic of Indonesia Government Regulation Number 19 of 2021 concerning the implementation of land acquisition for development in the public interest, Article 76. paragraph 1, the form of compensation must also meet the requirements. In article 1 point 10 of law no. 2 of 2012 has explained that compensation is appropriate and fair compensation to parties who are entitled to it in the land acquisition process. One way to avoid losses to the land owner is that deliberation in determining compensation is highly recommended because it is in accordance with statutory regulations. Determination of the amount of compensation is based on the results of the land owner's agreement with the Government Agency that requires the land. The results of the agreement are then written by the land procurement committee in accordance with its duties in the minutes of the deliberations, and then issued a decision letter determining the amount of compensation²⁶.

Deliberation in the implementation of land acquisition for the public interest has an

²⁵ Wahid, Abdul, Susilo Handoyo, and Johan's Kadir Putra. "Mekanisme Penyelesaian Pemberian Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum Di Kabupaten Paser." *Jurnal Lex Suprema* Vol. 2, No. 1. (2020). pp. 236–59

²⁶ Wahid, Abdul, Susilo Handoyo, and Johan's Kadir Putra. "Kajian Hukum Terhadap Pelaksanaan Musyawarah Penetapan Bentuk Ganti Kerugian Pengadaan Tanah Untuk Kepentingan Umum." *Lex Administratum* Vol. IX, No. 8. (2021). pp. 217–27.

important meaning, in 2 (two) ways: first, determining whether or not land acquisition for the public interest can be carried out. Second, determine the form and amount of compensation that will be received by land rights holders²⁷. Injustice in compensation can occur, refusal to bargain with the people who own it gives a strong impression that land acquisition for the public interest takes place like buying and selling, even though the relationship between the government and the people who own the land in land acquisition cases should be understood not like buyers and sellers in the market. but rather as parties who are committed to jointly developing the country. The fair value for the community is that the price they want is based on the market value of the land, building materials and the risk of losing land rights. If it complies with the basic provisions of the compensation price, the community will definitely agree to it²⁸.

If the land rights holder cannot agree on the form of compensation and the amount of compensation offered, then the rights holder has the right to submit an objection to the local district court. However, in the event that the land rights owner does not raise an objection to the compensation and the

amount, then legally the land rights holder is deemed to agree and accept the form and amount of compensation given²⁹. The policy of determining compensation in restoring community rights has reaped problems at the implementation level. The difference in price paradigm between the community and the government often becomes an obstacle to the success of the land acquisition process, where the government in providing compensation for affected land tends not to use the appropriate price standards³⁰.

The fair value for the community is that the price they want is based on the market value of the land, building materials and the risk of losing land rights. If it complies with the basic provisions of the compensation price, the community will definitely agree to it. Determining the form and amount of compensation is considered by the community to be inappropriate, in the sense that compensation cannot be used to maintain the level of socio-economic welfare, in fact the level of socio-economic welfare becomes worse compared to the situation before the land was revoked or rights were released³¹. The meaning of releasing and revoking land rights is often a frightening reality for some residents who have land rights, because the

²⁷ Susilaningsih, Tri. "Musyawarah Dalam Penentuan Ganti Kerugian Bagi Pelaksanaan Pembangunan Untuk Kepentingan Umum." *Jurnal Cakrawala Hukum*. Vol. 9, No. 2. (2018). pp. 214–24.

²⁸ Sudana, Ervan Hari, Djoni S.Gozali, and Akhmadi Yusran. "Asas Keadilan Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum." *Notary Law Journal*. Vol. 1, No. 1. (2022). pp. 49–62

²⁹ Rachmawati, D., R. Setyasuryantoro, and F. T. Ylma. *Opcit*

³⁰ Sigarlaki, Belinda, Roosie Lasut, and Roy Lembong. "Analisis Terhadap Pengaturan Kewenangan Pemerintah Dalam Pengambilalihan Hak Atas Tanah Bagi Pembangunan Untuk Kepentingan Umum." *Lex Privatum*. Vol. XI, No. 2, Maret. (2023)

³¹ Sudana, Ervan Hari, Djoni S.Gozali, and Akhmadi Yusran. *Opcit*

practice of relinquishing land rights turns into arbitrary land or land eviction. The word arbitrary must be reviewed again, what elements can give rise to arbitrariness. For example, in revoking land rights or land acquisition, the government, without deliberation and outreach, suddenly carries out evictions arbitrarily.

Socialization has also sometimes been carried out but very minimally, or socialization has been carried out, through deliberation, but no agreement has ever been reached. In fact, there has been a lawsuit in court, and the court decision decided that evictions should not be carried out, but they are still executed, this is where legal protection for land rights holders is not achieved properly³². In providing compensation, the aspects that need to be taken into account are social, cultural, legal, humanitarian, economic and political aspects³³.

The results of the agreement are then written by the land procurement committee in accordance with its duties in the minutes of the deliberation, and then issued a decision letter determining the amount of

compensation³⁴. Meanwhile, according to Safeguard International, there are many considerations for carrying out land acquisition in general.

Economically, the affected people will receive compensation in the form of income and livelihood replacement by being paid in full. Affected communities will be provided with facilities ranging from credit, training, employment opportunities so that they can improve their lives or at least restore their income after development work. There are several points based on international safeguards, including compensation given to entitled and affected parties, compensation can be in the form of money, replacement land or other compensation. Apart from that, there is assistance to vulnerable and seriously affected parties, restoration of life for the vulnerable, better relocation strategies, and dealing with affected communities. One study shows that after the land is used for public purposes.

There were changes in the livelihood assets of the informants after land acquisition, namely as follows: 1) Changes in human assets, namely an increase in the number of children continuing their education to tertiary level, as well as an increase in agricultural laborers and casual daily laborers becoming land-owning farmers; 2) Changes in natural assets, namely wider land control which also has the potential to increase agricultural

³² Wardhani, Dwi Kusumo, and Siti Chadijah. "Ganti Rugi Terhadap Pelepasan Hak Atas Tanah Dalam Rangka Pengadaan Tanah Untuk Kepentingan Umum: Progresivitas Atau Regresivitas?" *Rechtsregel : Jurnal Ilmu Hukum*. Vol. 5, No. 1. (2022). pp. 55.

³³ Prabandari, Luh Nyoman Diah Sri, I Wayan Arthanaya, and Luh Putu Suryani. "Pemberian Ganti Rugi Terhadap Pengadaan Tanah Oleh Pemerintah Untuk Kepentingan Umum." *Jurnal Analogi Hukum*. Vol. 3, No. 1. (2021). p. 1–5

³⁴ Wahid, Abdul, Susilo Handoyo, and Johan's Kadir Putra. (2021). *Opcit*

productivity; 3) Changes in social assets, namely an increase in interest from farm workers and casual daily workers to become members of farmer groups, 4) Changes in financial assets, namely an increase in monthly income and an increase in ownership of savings in banks; 5) Changes in physical assets, namely the informant's residence which became better with the condition of the permanent building having ceramic floors with glass windows³⁵.

IV. CONCLUSION

Land acquisition for public purposes is part of government services to the people for the sake of state development. The people gave up their land to be controlled by the state in order to realize national development for the welfare of the people. In the end, land acquisition for public purposes is often used to build facilities to serve public purposes such as roads. The form of compensation given must not harm the affected land owner. Compensation must be in accordance with the value of the land. In fact, there is a deliberation to determine the appropriate and appropriate amount of compensation for the land owner before the land is given to the state. However, compensation sometimes causes conflict, especially when the economic value of the land is deemed not to be in accordance with the compensation provided

by the government. Conditions that are in line with the International safeguard document state that compensation must apply the principles of justice. However, concern extends further to monitoring and providing and empowering the community so that their livelihoods are better than before. Affected women are also empowered so that women are not harmed.

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3. Journal

³⁵ Anisa, Kholfa, et al. "Dampak Pengadaan Tanah Jalan Tol Trans Sumatera Pada Kondisi Penghidupan Masyarakat Di Desa Serdang". *Tunas Agraria*, vol. 4, no. 3, May 2022, pp. 340-51, doi:10.31292/jta.v4i3.154.

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