

THE URGENCY OF GOVERNMENT AUTHORITY IN PROCUREMENT OF LAND FOR DEVELOPMENT FOR THE PUBLIC INTEREST WITH PANCASILA JUSTICE

Sri Yanti Achmad ^{a)}, Mashari ^{a*)}

^{a)} *University of August 17, Semarang, Indonesia*

^{*)} *Corresponding Author: mashari@untagsmg.ac.id*

Article history: received 05 July 2025; revised 12 July 2025; accepted 22 July 2025

DOI: <https://doi.org/10.33751/jhss.v9i1.10235>

Abstract. This study aims to describe the Government's authority in land acquisition for development for the public interest. In this study, it is related to the Availability land for development for the public interest has not been fair in Pancasila. The problem in this study is about the urgency of the government's authority in procuring land for development for the public interest based on Pancasila justice. The research method used in this study is a normative juridical approach, which is a study that uses secondary data as the main data, while primary data as supporting data. The results of this study show that Settings land for development in the public interest carried out by the Government by revoking land rights based on the Job Creation Law to try to harmonize the arrangements in the Law Number 2 of 2012 concerning Procurement Soil For Development for the public interest with its implementation regulations. The results of the study on pAvailability land for development in the public interest has not been fair to Pancasila, this is influenced by internal factors, namely the determination of compensation is not carried out optimally. External factors, namely disputes arising in the acquisition of land owned by the community affected by infrastructure development projects, generally cause conflicts, contradictions, and disagreements regarding the amount of compensation. The urgency of the Government's authority in procuring land for development in the public interest which is fair to Pancasila by upholding basic principles including humanity and justice based on Pancasila so that it does not cause losses to parties who have lost their land rights.

Keywords: Urgency of Government Authority; Land Acquisition; Building; Public Interest

I. INTRODUCTION

The Indonesian government has aspirations to advance or improve the welfare/prosperity of the people to carry out development. Building It is carried out through land acquisition or in the past the term exemption of land rights (*prijsgeving*) one way of taking land by the state, the other way is the revocation of land rights (*onteigening*) [1].

Based on Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest, Land Acquisition is the activity of providing land by providing appropriate and fair compensation to the right party. The party with the right is the controlling party whose object of land acquisition is land, aboveground and underground space, buildings, plants, objects related to land, or others that can be assessed.

Procurement Soil for the Public Interest aims to provide land for the implementation of development to improve the welfare and prosperity of the nation, state, and society while still ensuring the legal interests of the entitled parties. The entitled party is obliged to release its land at the time of the implementation of land acquisition for the

public interest after the provision of compensation or based on a court decision that has obtained permanent legal force.

Land Office has the task of carrying out some of the duties and functions of the National Land Agency in the district/city concerned. Implementation of land acquisition for dam construction In Purworejo Regency and Wonosobo Regency, the Head of the Regional Office of BPN Central Java Province stipulated the Decree of the Head of the Regional Office of the National Land Agency of Central Java Province Number 07/Pgd.Tnh/BPN.33/2018 dated July 30, 2018 concerning the Assignment of the Head of the Land Office of Purworejo Regency and Wonosobo Regency as the Chief Executive of Procurement Soil [2].

Procurement Implementation Soil Dam Jragung. Based on the Decree on the Determination of the Location of Land Acquisition of the Governor of Central Java No.590/43 of 2023, the completion of land acquisition for the remaining land for Development Jragung Dam in Semarang Regency. The number of remaining land to be completed is 41 plots of land and 61 plots of intact ownership. Based on data 41 plots of land, 16 intact plots

are in the forest area that has been released, while the 25 plots are partly outside the forest area, some are inside the forest area.

Dam Bener is one of the Projects The National Strategic Plan (PSN) launched by the central government under the administration of President Jokowi, which is carried out by the Ministry of Public Works and Public Housing (Ministry of Public Works and Public Housing) through the Directorate General of Water Resources, the Serayu Opak River Area Center (BBWS SO) as an agency that needs land. In Presidential Regulation Number 56 of 2018 concerning the Acceleration of the Implementation of National Strategic Projects. This dam will be the first highest dam in Indonesia and the second in Southeast Asia with a height of 150 meters [3].

The Governor of Central Java as the regional stakeholder for the construction of the PSN Dam Bener in Purworejo Regency provides a policy on the determination of land acquisition locations for the construction of the Bener Dam located in Purworejo Regency and Wonosobo Regency through the Decree of the Governor of Central Java Number 590.41/2018 dated June 7, 2018 concerning the Approval of the Determination of Procurement Locations Soil For Development Bener Dam in Purworejo Regency and Wonosobo Regency, Central Java Province jo. Decree of the Governor of Central Java Number 539/29 of 2020 dated June 5, 2020 concerning the Extension of the Determination of Land Acquisition Locations for the Construction of Bener Dams in Purworejo Regency and Wonosobo Regency, Central Java Province [4].

Land acquisition arrangements for development Dam In Purworejo Regency and Wonosobo Regency and the construction of the Jragung Dam in Semarang Regency, it must exist within the framework of state development with national principles described in Pancasila as the basis of the state, namely social justice for all Indonesian people. This justice is imbued with the essence of human justice, namely the relationship between man and himself, man with other humans, man with society, nation, and state, and the relationship between man and his God.

The development for the public interest is based on the provisions of Article 122 of Law Number 6 of 2023 concerning Job Creation, it is stated that the public interest in question focuses more on the interests of job creation. Provisions of Article 1 point (7) of Government Regulation Number 19 of 2021 concerning the Implementation of Procurement Soil For Development in the Public Interest includes the interests of the nation, the state, and the interests of the community to obtain community welfare so that it is mandatory to be realized by the government;

II. RESEARCH METHODS

The research method used is narrative juridical, which is research that uses secondary data as the main data, while primary secondary data as supporting data. This research uses a legislative approach, a conceptual approach, and a case approach to find meaning, investigate the process, and obtain a deep understanding and understanding of the government's

authority in land acquisition for development for the public interest that is just Pancasila. The use of qualitative research includes purely questions about the experiences of people or objects in the research environment [5]. Qualitative research, according to David William in Lexy Moeleong [6], is data collection using natural methods, and is carried out by people or researchers who are naturally interested.

III. RESULTS AND DISCUSSION

Land Acquisition Arrangements for Development for the Public Interest Today

Procurement land means to hold or provide land. Procurement land for development, especially in the context of building the public interest, in essence must be implemented based on principles based on Article 2 of Law Number 2 of 2012 about Land Acquisition For Development For the Public Interest. Land acquisition activities involve the interests of two parties, namely government agencies that need land and communities whose land is needed for development activities.

Soil As a basic human need is a manifestation of economic, social and cultural rights, land acquisition must be carried out through a process that ensures that there is no imposition of the will of one party on the other. The community must give up their land for a development activity, so it must be guaranteed that their socio-economic welfare will not be worse than the original state, at least it must be equivalent to the state before the land was used by other parties [7].

Project infrastructure whose development is hampered due to land acquisition problems between the Government and the community, which is caused by these differences in interests and leads to conflicts. Land acquisition related to land tenure is not only expensive, but also not easy to implement and takes a long time [8].

The value of compensation or the price of the land is determined with the entitled party through a deliberative mechanism, the Procurement Committee Soil first appoint the Institution Land Price Appraiser or form a Land Price Assessment Team for districts/cities that do not have a Land Price Assessment Agency to conduct land price assessments based on the Selling Value Tax Object (NJOP) by paying attention to the current year's NJOP, and can be guided by the variables mentioned above.

Aminuddin Salle [9], According to him, even if the community receives the amount of compensation set by the government, it is more due to the force factor. The amount of compensation that has been unilaterally pegged by the government as stated in Article 15 paragraph (1) of Presidential Regulation Number 36 of 2005 as amended in Presidential Regulation Number 65 of 2006 on the other hand has actually harmed democratic values as stated in Article 8 paragraph (1) which basically emphasizes deliberation as a mechanism in determining the location, the amount and form of compensation. Government interests and the interests of the community affected by the Procurement Soil take place in a dialogue manner so as to produce a fair decision between the two parties.

According to Syafruddin Kalo [10], the compensation institution shows the imposition of the will by the land acquisition committee, as well as ignoring the principle of

equality between land rights holders and those who need land. Compensation for the amount of money obtained by the landowner after relinquishing his rights or his land is worth the value of the open market plus other losses due to the relinquishment of land rights. The fundamental principle in compensation is to place the landowner affected by the acquisition in the same position after the acquisition as the previous situation [11].

The reimbursement received by the landowners is limited to the physical value of their land. The replacement is limited to the multiplication between the land area and the Selling Value Tax Object (NJOP) a plot of land. The value of the replacement is still likely to be reduced by the power of the rulers who ask for rations. It can also be reversed, the value of the replacement can be enlarged to get a larger disbursement of state money [12].

The definition of compensation must be possible because the affected community must be elevated in dignity and their welfare to be better. That is the goal and essence of development. The value of compensation must be able to provide meaning as compensation for the community affected by land acquisition for the public interest [13].

The government acts with the intermediary of the people in it, who serve as state officials. There is an effort to link the actions taken by the State apparatus so that they fulfill their capacity as government actions that are considered to represent the interests of the state. The State to carry out certain actions with the consequence that the State is responsible for what it does [14].

The government has an obligation to assume authority for unlawful acts, in principle which restores the original condition before the violation of the law. The return to the original position cannot be done, so the government is burdened with the obligation to provide compensation, as a liability [15].

The determination of compensation for the object of land acquisition for development for the benefit of the land right holder does not receive the type and amount of compensation determined, then the land right holder can submit an objection to the local district court no later than 14 (fourteen) working days from the issuance of the determination of compensation, if the land right holder does not raise an objection during the grace period, the compensation is considered to have received the type and The amount of change is huge.

The Government's Authority in Acquiring Land for

Development for the Public Interest Is Not Yet Pancasila Fair

Building which is carried out to support the public interest, development to prioritize increasing economic growth and industrial development, or business expansion is certainly inseparable from the land. Land acquisition efforts are important to be implemented and this condition is certainly unavoidable by any country [16]. The case explains that infrastructure development carried out in various regions for the public interest often encounters obstacles in the land acquisition stage [17].

President Joko Widodo compiled the main agenda of the government known as Nawacita. The term Nawacita is taken from the Sanskrit language which means nine minds/hopes/desires. Nawacita is a big concept to advance a

sovereign, independent and personality Indonesia. The government has designated projects that fall into the category of national strategic projects, whose goals are to meet basic needs and improve people's welfare. The implementation of strategic projects requires efforts to accelerate the implementation of the Project National Strategic. President Joko Widodo on January 8, 2016 has signed Presidential Regulation (Perpres) Number 3 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects [18].

Building dam as a Project National Strategy analyzed using Procurement Theory Soil from Imam Koeswahyono [19] that land acquisition is a legal act carried out by the government to obtain land for certain interests by providing compensation to the owner (either individual or legal entity) of land according to certain procedures and nominal amounts.

The release or assignment of land rights is the activity of releasing the legal relationship between the holder of land rights and the land under his control by providing compensation on the basis of deliberation. The implementation of land acquisition for the public interest requires an activity that is essentially carried out through deliberation with the landowner to release the legal relationship with the land under his control [20].

Wadas Village is a location for andesite mining as a material in the development of Dam It is true in Purworejo Regency and Wonosobo Regency, Central Java Province which has been planned by the government since 2013 [21]. The land acquisition case occurred between residents and the initiator of the project, in this case the Serayu Opak River Area Center (BBWS) which was caused by residents' concerns about the impact of andesite rock mining and at the same time the absence of residents' participation in determining their villages as part of the PSN plan. This case needs to be studied that the law is not in a vacuum but is part of a broader social dynamic [22].

Blomley argues that space and law have something in common: they are not "an empty or objective category, but a political category that is directly connected to how "power is practiced and social order is formed [23]. Before Blomely developed the study of legal geography, in the late 1980s Santos analogized law like a map [24]. The relationship between law and social reality has similarities like the relationship between maps and spatial reality. Law is a map, written law is a cartographic map; Customary law is a mental map [25].

According to Lefebvre [26], it has three dimensions, namely material space, social space, and mental space, which affect each other. Material space or physical space refers to the material formation and topology of the earth, whether natural or artificial, for example forests, landscapes, buildings, and others. Social space is the context of space where social interaction occurs, including social relations for production and production relations, for example, urban, rural and suburbia.

Tukiran's opinion [27], Project Problems The National Strategy (PSN) is placed within the framework of social conflicts that are manifested in the contestation of space, the struggle for control over people and resources within the spatial unit, and the state through its laws plays its role in the conflict. The State regulates the interests of the community through

preparation, implementation, and monitoring and evaluation activities on the Acceleration of Procurement Problem Solving activities Soil For Development Dam It is true through the active role of stakeholders in Purworejo Regency.

Implementation of land acquisition for development Dam In Purworejo Regency and Wonosobo Regency, Central

Java Province, with the provision of compensation and the release of land rights until May 15, 2023, can be seen in the table below.

Table 1 Procurement Progress Soil To Building Dam True in Purworejo Regency and Wonosobo Regency

It	District	Neighborhoods/ Village	Target		UGR Realization	
			Field	Area(m2)	Field	Area (m2)
1	True	Bestsellers	563	502.255	525	492.858
		Thunder	1.678	1.117.179	1671	1.208.282
		Weighing	484	444.423	483	449.795
		Karangsari	117	39.537	117	39.848
		True	249	94.825	248	94.510
		Kedungloteng	89	32.379	89	32.379
		Wadas	770	1.233.653	603	887.243
	Gebang	Redin	10	6.940	10	4.006
		Candlenut	433	615.717	430	607.560
	Total		4.393	4.086.908	4.203	3.816.481

Source : Data processed Procurement Soil Dam True in Purworejo, 2022.[28]

Based on the table above, it shows that the target that has been set is 4,393 fields with an area: 4,086,908 m² or 408.7 hectares, the provision of compensation money has been realized as many as 4,203 fields or 95.67% with an area: 3,816,481 m² or 381.6 hectares or 93.38%. There are 5 (five) TKD fields in the villages of Kemiri, Nglaris, Limbangan and Bener which until now have not been paid compensation and land rights release. Wadas Village, out of a target of 763 fields, only 609 fields have been realized, this is because 154 plots of land with owners of around 99 people have not yet completed the land acquisition stage. The provision of unpaid compensation proves that there is no justice in Pancasila, which is a source of value that must be described as legal justice. Pancasila justice gives birth to the concept of justice as a result or decision obtained from the proper implementation of legal principles and equipment [29].

Andri Kristanto's opinion [30], The settlement of compensation for land acquisition of the Bener Dam is caused by the lack of community involvement in the initial activities of land acquisition, especially at the stage of planning and preparation activities. Procurement Implementation Soil Dam Jragung is based on Decree on the Determination of the Location of Land Acquisition of the Governor of Central Java No.590/43 of 2023 is carried out to complete the land acquisition of the remaining land for Development Jragung Dam in Semarang Regency. Based on data 41 plots of land, 16 intact plots are in the forest area that has been released, while the 25 plots are partly outside the forest area, some are in the forest area.

The enactment of the Ministry of Environment and Forestry Decree No. SK 280/MENLHK/SETJEN/PLA.2/3/2023 concerning the Determination of the Boundary of the Release Area of Permanent Production Forest Areas and Limited Production Forests for Development Dam Jragung on behalf of the Ministry of Public Works and Public Housing in Semarang Regency, Central Java Province covering an area of

625.95 hectares, from BPKH said that it is no longer the business of the Ministry of Environment and Forestry because its status has become APL. Letter from the Director General of Procurement Soil and Development No. B/BP.01.01/3646//20223 dated October 20, 2023 concerning the submission of recommendations of the third-party rights settlement team, with the attachment of several letters to be used as a reference in resolving third-party rights and social problems at the Lausimeme, Margatiga and Jragung Dams. Based on the table above, there are 147 plots of community land affected by the construction of the jaragung dam, and there are still 41 plots of land that have not been completed for land acquisition, because they intersect with forest areas. The settlement of third-party rights in the released production forest area is completed in accordance with Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest. The provision of compensation for land and stands controlled by the community in the area that has been released into APL is carried out in accordance with the mechanism of Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest. Letter of the Acting Director General of Natural Resources to No. PS 0201-MN/951 dated May 8, 2023 regarding the Submission of Recommendations of the Third-Party Rights Settlement Team: The process of settling the rights of third parties is completed in accordance with Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest.

Procurement Soil Dam Jragung in Kedungglatik Hamlet, Candirejo Village, Pringapus District, Semarang Regency, Central Java Province. As a result of the identification and inventory of the land acquisition committee, there are 41 plots of community land that have the right to be in the former forest area that has been released and become the PUPR APL for the benefit of the Jragung dam. The data of the 41 community land plots mentioned above, only some of them are included in the former forest area (list attached).

Table 2. Land Plot Communities affected by Procurement Soil For Building Dam Jragung

It	District	Kelurahan/Village	Hamlet	Field	Area (ha)
1	Pringapus	Candirejo	Sapen Borangan Kedunglatik	44 8 95	61,63 11,73 18,8
				147	13,81

Source : Data Processed Land Plot Community For Development Dam Jragung, Year 2024 [31].

Embun Sari's opinion [32], said that based on Law Number 41 of 1999 concerning Forestry, the control of forest areas without a permit from the Ministry of Environment and Forestry is not allowed. Land Rights Certificate In principle, it cannot be published in forest areas. Based on Government Regulation Number 23 of 2021 and Government Regulation No. 43 In 2021, the control of the community for 20 years can be recognized but it is the authority and the Ministry of Environment and Forestry.

The Urgency of Government Authority in Procurement of Land for Development for the Public Interest with Pancasila Justice

The Government's authority to provide a prosperous and prosperous life, infrastructure is one of the areas that must be considered. In carrying out infrastructure development, of course, it requires a lot of land acquisition. Procurement The land that will be used for this infrastructure is carried out through the acquisition of residents land. This process is called land acquisition for the public interest.

Procurement Soil For Development Dam The construction of the Jragung Dam in Purworejo Regency and Wonosobo Regency and the construction of the Jragung Dam in Semarang Regency, Central Java Province were analyzed using the land acquisition theory of John Salindeho [33], that land procurement is for the benefit or needs of the government, in the context of project development or the development of something according to the government program that has been determined.

Procurement land is an act by the government to acquire land for various development activities Dam In Purworejo Regency and Wonosobo Regency and the construction of the Jragung Dam in Semarang Regency, especially for the public interest, in which the land acquisition is carried out by deliberation between parties who need land and land rights holders and land rights holders whose land is needed for development activities. Land acquisition for the public interest must be in line with Pancasila justice requires an understanding of the similarity of vision, mission, goals and perceptions in creating a just law. The meaning of values in the substance of Pancasila, policymakers should be able to place Pancasila at a certain time and in a certain place according to the development of the times.

The Unitary State of the Republic of Indonesia recognizes and upholds Human Rights and basic human freedoms as rights that are inherently inherent and inseparable from human beings that must be protected, respected and upheld in order to improve human dignity, welfare, happiness,

and intelligence and justice [34]. The view of justice in the national law of the Indonesian nation is directed at Pancasila, namely the procurement of land for the construction of dams must reflect the fifth precept of Pancasila which reads: "Social justice for all Indonesian people" this means what is called fair according to the conception of national law derived from Pancasila.

According to the author, land acquisition for development Dam It is true that in Purworejo Regency and Wonosobo Regency and the construction of the Jragung Dam in Semarang Regency there is a limited amount of land, so to obtain it it needs to be done by providing compensation to those who are entitled to the land. Procurement land must be carried out effectively and proportionately so that the interests of the government and society in general can be fulfilled without sacrificing the rights and interests of the community as the owner of the rights to a piece of land in accordance with the justice of Pancasila.

According to Agus Harimurti Yudoyono [35] The principle of land acquisition used as a location for PSN construction is that the construction of PSN runs smoothly, progressively, faster, better and does not cause problems in the future. By Law Number 2 of 2012 concerning Land Acquisition For the Public Interest, land acquisition itself is interpreted as the activity of providing land by providing proper and fair compensation to the right party. Land procurement for the public interest aims to provide land for the implementation of development to improve the welfare and prosperity of the nation, state, and society while still ensuring the legal interests of the entitled parties.

Based on Presidential Regulation Number 3 of 2016 which has been amended by Presidential Regulation Number 58 of 2017 concerning the Acceleration of Project Implementation National Strategic There is an important and emerging legal issue, namely regarding the provision of legitimacy for PSN to deviate from spatial plans both district/city, provincial and national. The level of land ownership that exceeds the principle of recognition and protection of land ownership in the UUPA. The principle of deliberation and consensus which is the principle of regulating land acquisition in the UUPA and Law Number 2 of 2012 concerning Procurement Soil For Development For the public interest [36].

According to Critical Law Theory, policy makers should emphasize more on the social and political context, looking at how the conditions of the communities affected by the national project will be. Interpretation is greatly influenced by historical conditions, so the principle of legal rationality is not immune from the influence of social and political

influences. Legal thinking affects legal changes and can legitimize the existing social order [37].

The determination of the land for the PSN location is carried out by the Governor. So that the land that has been determined cannot be transferred by the right owner to other parties other than BPN. There are still objections to the determination of the construction location, the party entitled to the determination of the location can file a lawsuit with the local State Administrative Court no later than 30 (thirty) working days from the issuance of the location determination [38]. The State Administrative Court decides whether to accept or reject the lawsuit within a maximum of 30 (thirty) working days from the receipt of the lawsuit. Parties who object to the decision of the State Administrative Court within a maximum of 14 (fourteen) working days can file an appeal to the Supreme Court of the Republic of Indonesia.

Socialization of land registration and land social functions is the authority of local governments in providing understanding and knowledge to the community [39]. A development and social change carried out without socialization can trigger conflicts, both horizontally and vertically, so that the results of socialization are the basic foundation for the government to take further action.

Based on Law Number 6 of 2023 on Job Creation that changes Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest, there are several changes related to the procedures and the amount of compensation. A significant change is the removal of the sentence "in determining compensation is deliberated" in Article 36, so that if an agreement is not reached, compensation is further determined through Government Regulation.

Regulation which regulates land acquisition has existed since the 1990s. Land acquisition activities, the government issued Presidential Decree of the Republic of Indonesia (Keppres RI) Number 55 of 1993 concerning Procurement Soil For the Implementation of Development For the public interest. The government issued Presidential Regulation (Perpres) No. 36 of 2005 concerning Land Acquisition for the Implementation of Development in the Public Interest and Presidential Regulation No. 65 of 2006 concerning Amendments to Presidential Regulation No. 36 of 2005 concerning Land Acquisition for the Implementation of Public Interest Development. The assessment of compensation for community-owned land is also still based on the Selling Value of Tax Objects (NJOP) set by the local government, which is far from the market price, causing turmoil in the community, as seen in the table below.

Based on the table above, it shows that the Government has been working to overcome land acquisition for development in the public interest since the issuance of the UUPA regulation. Regulations related to land acquisition issued since that year are considered ineffective. The ineffectiveness of regulations can be seen from the rampant land conflicts that arise in every process of land acquisition for public interest development. Regulation land procurement is issued by the Government in the form of Law Number 2 of 2012 concerning Procurement Soil For Development For the public interest. The regulation has not been able to reduce the

occurrence of conflicts in every land acquisition project for the public interest.

Embun Sari's opinion[40] said that based on Government Regulation Number 23 of 2021 and Government Regulation Number 43 of 2021, 20 years of community control can be recognized, but it is the authority and the Ministry of Environment and Forestry. Several BPN implementing areas that have already issued certificates in forest areas and that provide compensation for land under community control in forest areas, are currently facing legal problems.

According to the author, he agrees with Embun Sari that the recognition of community control is returned according to his authority, so that there are no legal problems for the implementer. The land tenure meets the criteria for a minimum of 20 years of ownership, on the basis of this recommendation it will be decided whether the land can be paid or not. Development in stands and growing crops belonging to the community, can be carried out with the scheme of Law Number 2 of 2012 concerning Procurement Soil For Development

Procurement land in Indonesia is also carried out by China. The Chinese government passed a regulation that stipulates that land acquisition in rural areas collectively controlled by villages can be converted into state land/city-owned land. This condition has further triggered the rate of land acquisition which has increased dramatically in the last decade in China, as statistical data shows that if averaged between 2001 and 2013 land acquisition in China reached 1800 Km² every year [41]. Regulation and policies on land acquisition in China in the 2000s, in procurement practices soil in several other countries

IV. CONCLUSIONS

Land acquisition arrangements for development for the public interest today carried out by the government by revoking land rights. This is regulated in Article 1 number 3 of the Presidential Regulation ([Presidential Regulation](#)) [Number 36 of 2005](#) on Land Acquisition for the Implementation of Development for the Public Interest. PThe implementing regulations for the implementation of land acquisition for development for the public interest in Indonesia are regulated by the Government through the Job Creation Law. Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest with its implementation regulations so that they are mutually sustainable.

The government's authority in procuring land for development for the public interest has not been fair Pancasila is influenced by internal factors, namely the determination of compensation is not carried out optimally, especially for the implementation of land acquisition in the construction of dams, namely the need for a more intensive approach from the government, in this case the land acquisition committee to the holders of rights to land, buildings, plants and other objects related to land so that Deliberation can be more effective, and can avoid obstacles. External factors, namely disputes arising in the acquisition of land owned by the community affected by infrastructure development projects, generally cause conflicts, contradictions, and disagreements regarding the amount of compensation provided by the land acquisition actors.

Table 3. Findings Procurement Soil For Development To The Public Interest of Pancasila Justice

No.	Problematic Regulations	Existing	Ideal
1.	Law Number 2 of 2012	In Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest, there is no regulation on the revocation of land rights. On the one hand, dispute resolution in land acquisition for development for the public interest prioritizes litigation channels and lacks optimization of non-litigation roads.	It is better to synchronize Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest with Law No. 20 of 1961 concerning the Revocation of Land Rights. The conception of land acquisition and the conception of revocation of land rights do not contradict when deliberations to reach an agreement on the development location or the provision of compensation meet with failure.
2.	Article 69 paragraph (3) of Government Regulation No. 19 of 2021 jo. Government Regulation No. 39 of 2021. 2023	Article 69 paragraph (3) Government Regulation No. 19 of 2021 Jo.PP. No.39 of 2023, the amount of the Compensation value based on the results of the Assessor's assessment as referred to in paragraph (2) is final and binding. This article gives rise to various interpretations, so the final and binding phrase should be added to the redaction.	Article 69 paragraph (3) Government Regulation No. 19 of 2021 The amount of the Compensation value based on the results of the Assessor's assessment as referred to in paragraph (2) is final and binding. In this article, it should be added that exceptions should be added if disputes, conflicts and lawsuits occur in court, which are final and binding if there is already an inkrah decision. An inkrah decision is a court decision that has permanent legal force, that is, when the decision No appeal or cassation is filed after 14 days since the verdict was pronounced.
3.	Article 70 paragraph (1) and paragraph (4) of Government Regulation No. 19 of 2021 jo. Government Regulation No. 39 of 2023	Article 70 paragraph (1) and paragraph (4) of Government Regulation No. 19 of 2021 (1) In the event that there is a parcel of residual land affected by the Procurement Soil, which can no longer be functioned in accordance with its designation and use, the Entitled Party may request compensation for its land plot. (2) In the event that the remaining land plot is not more than 100 m2 (one hundred square meters) and cannot be used as intended in paragraph (1), compensation may be given. Provisions in terms of compensation for damages do not yet exist on the status of the land.	Regarding the remaining land that has been cut due to land acquisition, it must be given the opportunity to ask for compensation, because land owners with a certain area cannot use their land, thus causing losses for rights holders. Regulations on the remaining land plots should still be included in the land acquisition rules.
4.	Article 71 paragraph (1) Government Regulation No. 19 of 2021 jo. Government Regulation No. 39 of 2023	Article 71 paragraph (1) Government Regulation No. 19 of 2021Jo. PP. No. 39 of 2023 Procurement Implementer Soil carry out deliberations accompanied by Appraisers or Public Appraisers and Agencies in Need of Land with the Entitled Parties within a maximum of 30 (thirty) days since the assessment results from the Appraiser are received by the chief executive of Land Procurement, causing various interpretations so that it is necessary to add an editorial.	Article 71 paragraph (1) Government Regulation No. 19 of 2021 Procurement Implementer Soil carry out deliberations accompanied by Appraisers or Public Appraisers and Agencies in Need of Land with the Entitled Parties and land rights holders within a maximum of 30 (thirty) days from the assessment results b. from the Appraiser received by the chief executive of Procurement Soil.
6.	Government Regulation No. 23 of 2021	Article 19 paragraph (3) of Government Regulation No. 23 of 2021; (3) The settlement of third party rights as referred to in paragraph (2) d which is in the forest area shall be resolved through the arrangement of the forest area in the framework of strengthening the forest area. To provide protection for people who have rights, it is necessary to add the word mandatory to this verse.	Article 19 paragraph (3) of Government Regulation No. 23 of 2021; (3) The settlement of third party rights as referred to in paragraph (2) d in the forest area must be completed through the arrangement of the forest area in the framework of strengthening the forest area. This condition will provide legal certainty for people who live and live around the forest area.

Source: Data Processed Findings Procurement Soil For Development For the public interest, in 2024 [42]

The urgency of government authority in procuring land for development for the public interest that is fair Pancasila by upholding basic principles including humanity and justice. The

provision of compensation due to land acquisition must be carried out based on deliberation for consensus in order to create justice based on Pancasila so as not to cause losses to parties who have lost their land rights. Land acquisition for the public interest carried out by the government must be responsible to the parties who have been harmed, responsibility

in the form of material and immaterial compensation based on Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest, Indonesian Assessment Standards (SPI) Number 204 of 2018 and other regulations as well as 6 (six) principles of land acquisition.

REFERENCES

- [1] Abdul Harris, 2005, *Influence of Land Stewardship Towards the Success of Development Infrastructure and Economy*, Bappenas.
- [2] Abdurrahman, 2001, *The Problem of Revocation of Land Rights and Land Acquisition in Indonesia*, Revised Edition, Citra Aditya Bakti, Bandung.
- [3] Adrian Sutedi, 2006, *Implementation of the Principle of Public Interest in Procurement Soil For Development*, Sinar Grafika, Jakarta.
- [4] Aminuddin Salle, 2007, *Law Procurement Soil For the Public Interest*, First Printing, Total Media Creation, Jogjakarta.
- [5] Deni Bram and Putri Ayu Maharani, *Legal Lantern Indonesia and the Faculty of Law, University of August 17, 1945* Jakarta.
- [6] Eko Riyadi ed, 2012, *To Promote, Reading the Development of Human Rights Discourse in Indonesia*, PUSHAM UII, Yogyakarta.
- [7] Emzir, 2008, *Educational Research Methodology*, Raja Grafindo Persada, Jakarta.
- [8] Henri Lefebvre, 1991, *The Spatial Turn in Legal Theory, Production of Space*, Blackwell, Blank and Rosen-Zvi, Oxford.
- [9] Imam Koeswahyono, 2008, *Tracking the Constitutional Basis of Procurement Soil For the Benefit of Development For the public*.
- [10] Jhon Salindego, 2001, *Soil Problems In Development*, Print 3, Sinar Grafika Publisher, Jakarta.
- [11] Lexy J. Moeloeng, 2009, *Qualitative Research Methods*, Rosdakarya, Bandung.
- [12] M. Agus Santoso, 2014, *Law, Morals & Justice A Study of Legal Philosophy*, Ctk. Dua, Kencana, Jakarta.
- [13] Muchammad Ali Safa'at, 2001, *Legal Studies Movement Critical*, Critical Legal Studies Movement.
- [14] National Bureau of Statistics of China, 2013, *China Statistical Yearbook*, China Statistics Press, Beijing.
- [15] Ridwan, 2014, *Government Discretion and Responsibility*, FH UII Press, Yogyakarta.
- [16] Sudjarwo Marsoem et al., 2015, *Complete Guidelines for Reimbursement of Procurement Profits Soil*, Renebook, Jakarta.
- [17] Sumardjono, Maria S.W, 2007, *Land Policy between Regulations and Implementation, Revised Edition*, Kompas Book, Jakarta.
- [18] Suparjo Sujadi, 2018, *Studies on Development Project National Strategy, PSN, and Social Justice Legal Perspective Pancasila, Indonesian Journal of Environmental Law*.
- [19] Syafruddin Kalo, 2004, *Procurement Soil For Development For the public interest*, First Printing, Pustaka Bangsa, Jakarta.
- [20] The Liang Gie, 1979, *Theories of Justice*, Super Publisher, Yogyakarta.
- [21] Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (Statute Book of the Republic of Indonesia No. 104 of 1960, Supplement to Statute Book of the Republic of Indonesia No. 2043)
- [22] Law Number 20 of 1961 concerning Revocation of Land Rights and the objects on it (Statute Book of the Republic of Indonesia No. 288 of 1961, Supplement to Statute Book of the Republic of Indonesia No. 2324)
- [23] Law No. 26 of 2007 concerning Spatial Planning (Statute Book of the Republic of Indonesia No. 68 of 2007, Supplement to Statute Book of the Republic of Indonesia No. 4725)
- [24] Law Number 2 of 2012 concerning Procurement Soil For Development For the Public Interest (Statute Book of the Republic of Indonesia No. 22 of 2012, Supplement to Statute Book of the Republic of Indonesia No. 4884)
- [25] Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (Statute Book of the Republic of Indonesia Number 41 of 2023, Supplement to Statute Book of the Republic of Indonesia Number 6856);
- [26] Law Number 23 of 2014 concerning Regional Government (Statute Book of the Republic of Indonesia Number 244 of 2014, Supplement to Statute Book of the Republic of Indonesia Number 5587) as amended several times recently by Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia Number 245 of 2020, Supplement to Statute Book of the Republic of Indonesia Number 6573)
- [27] Law No. 2 of 2012 concerning land acquisition for the public interest
- [28] Law Number 11 of 2020 concerning Job Creation (Statute Book of the Republic of Indonesia Number 245 of 2020, Supplement to Statute Book of the Republic of Indonesia Number 6573)

- [29] Law of the Republic of Indonesia Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Their Ecosystems
- [30] Law of the Republic of Indonesia Number 12 of 1992 concerning Plant Cultivation System
- [31] Law of the Republic of Indonesia Number 16 of 1992 concerning Quarantine, Animals, Fish and Plants
- [32] Law of the Republic of Indonesia Number 41 of 1999 concerning Forestry
- [33] Law of the Republic of Indonesia Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction
- [34] Government Regulation of the Republic of Indonesia Number 4 of 2001 concerning Control of Environmental Damage and or Pollution Related to Forest and Land Fires
- [35] Government Regulation of the Republic of Indonesia Number 45 of 2004 concerning Forest Protection
- [36] Regulation of the Minister of Environment Number 10 of 2010 concerning Mechanisms for the Prevention of Pollution and/or Environmental Damage Related to Forest and/or Land Fires
- [37] Government Regulation Number 8 of 1953 concerning Land Tenure-State Land (Statute Book of the Republic of Indonesia No. 14 of 1953, Supplement to Statute Book of the Republic of Indonesia No. 362)
- [38] Government Regulation No. 26 of 2008 concerning National Spatial Planning (Statute Book of the Republic of Indonesia No. 48 of 2008, Supplement to Statute Book of the Republic of Indonesia No. 4833)
- [39] Government Regulation Number 19 of 2021 concerning the Implementation of Procurement Soil For Development For the Public Interest (Statute Book of the Republic of Indonesia Number 29 of 2021, Supplement to Statute Book of the Republic of Indonesia Number 6631)
- [40] Regulation of the Minister of Agrarian and Spatial Planning / Head of the Land Agency National Number 19 of 2021 concerning Provisions for the Implementation of Government Regulation Number 19 of 2021 concerning the Implementation of Procurement Soil For Development For the Public Interest (State Gazette of the Republic of Indonesia Year 2021 Number 672)
- [41] Regional Regulation of Central Java Province Number 6 of 2010 concerning the Regional Spatial Plan of Central Java Province for the Year 2009-2029 (Regional Gazette of Central Java Province Number 6 of 2010, Supplement to Regional Gazette of Central Java Province Number 28) as amended by Regional Regulation of Central Java Province Number 16 of 2019 concerning Amendments to Regional Regulation of Central Java Province Number 6 of 2010 concerning Spatial Plan of Central Java Province for 2009-2029 (Gazette Central Java Province Region Number 16 in 2019, Supplement to the Central Java Province Regional Gazette Number 121)
- [42] Regulation of the Head of the Land Agency National Number 5 of 2012 concerning Technical Guidelines for the Implementation of Procurement Soil as amended by the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 6 of 2015 concerning amendments to the Regulation of the Head of the Land Agency of the Republic of Indonesia Number 5 of 2012 concerning Technical Guidelines for the Implementation of Land Acquisition (State Gazette of the Republic of Indonesia Number 648 of 2015).
- [43] Government Regulation Number 19 of 2021 concerning the Implementation of Procurement Soil For Development For the public interest (Statute Book of the Republic of Indonesia Number 29 of 2021, Supplement to Statute Book of the Republic of Indonesia Number 6631);
- [44] Government Regulation Number 39 of 2023 concerning Amendments to Government Regulation Number 19 of 2021 concerning the Implementation of Procurement Soil For Development For the public interest;
- [45] Regulation of the Minister of Agrarian and Spatial Planning/Head of the Land Agency National Number 19 of 2021 concerning Provisions for the Implementation of Government Regulation Number 19 of 2021 concerning the Implementation of Procurement Soil for Development for the Public Interest (State Gazette of the Republic of Indonesia Year 2021 Number 672);
- [46] Regulation of the Minister of Finance Number 10/PMK.02/2016 concerning Amendments to the Regulation of the Minister of Finance Number 13/PMK.02/2013 concerning Operational Costs and Supporting Costs for Procurement Implementation Soil For Development for the Public Interest sourced from the State Revenue and Expenditure Budget (State Gazette of the Republic of Indonesia Year 2016 Number 144);
- [47] Supreme Court Regulation Number 3 of 2016 concerning Procedures for Submitting Objections and Depositing Compensation to the District Court in Procurement Soil For Development For the

- Public Interest (State Gazette of the Republic of Indonesia Year 2016 Number 595);
- [48] Circular Letter of the Supreme Court of the Republic of Indonesia Number 2 of 2021 concerning Provisions for Grace Period for Settlement of Compensation Custody Applications Based on Supreme Court Regulation Number 3 of 2016 concerning Procedures for Submitting Objections and Depositing Compensation to the District Court in Procurement Soil for Development for the Public Interest;
- [49] Decree of the Governor of Central Java Number 590/43 of 2023 dated September 18, 2023 concerning the Determination of Procurement Locations Soil on Residual Land for Development Dam Jragung in Semarang Regency, Central Java Province.
- [50] Agus Harimurti Yudhoyono, *Press Release*, Ministry of ATR/BPN, March 18, 2024.
- [51] Agus Sunoto and Wahyu Widodo, The Values of Human Rights and Justice in Law, *Journal of PPKn FPIPS IKIP PGRI Semarang*. www.portalgaruda.org DiH *Journal of Law* Volume 13 Number 25 February 2017 Ferry Irawan Febriansyah.
- [52] Andri Kristanto, 2023, *Acceleration of Procurement Problem Resolution Soil For Development For the Public Interest of Dams Through the active role of stakeholders in Purworejo Regency*, May 21, 2023.
- [53] Andri Kristanto, Purworejo Land Office, July 21, 2023.
- [54] B. de Sousa Santos, 1987, *Law A Map of Misreading. Toward a Postmodern Conception of Law*, *Journal of Law and Society*, 14, 3.
- [55] Deben Sari, *Director General of Procurement Soil Ministry of ART/Central Jakarta BPN*, January 24, 2024 at 16.42 WIB.
- [56] Endra Wijaya, 2013, *Ricca Anggraeni, and Rifkiyati Bachri, Digital Villages Opportunities to Optimize the Dissemination of Laws and Regulations in Indonesia*, *Journal of Legal Dynamics* 13, No. 1.
- [57] Glenn R. Negley, Justice, in Louis Shores, ed., *Collier's Encyclopedia*, Volume 13, Crowell_Collier, 1970.
- [58] Governor Ganjar Pranowo, Determination of Procurement Location Soil For Development Dam This is true in Purworejo Regency and Wonosobo Regency, Central Java Province, on June 6, 2023.
- [59] Listyawati, H, Sulastriyono 2014, *Study of conflicts in land acquisition for the construction of the Alai-By Pass tsunami evacuation route in Padang City*, *Legal Pulpit Journal*, vol. 26, no. 1, Doi:<https://doi.org/10.22146/jmh.16064>.
- [60] Nicholas Blomley, 1992, *Spacing Out Towards A Critical Geography of Law*, *Osgoode Hall Law Journal*, 30, 3, 661-690.
- [61] Suparjo Sujadi, *Study on Development Project National Strategic (PSN) and Social Justice Legal Perspective Pancasila*, *Indonesian Journal of Environmental Law*, no. 2 2018, 2,
- [62] Carving, *As Head of Determination of Rights and Land Registration Purworejo Regency*, January 12, 2024 at 14.00 WIB.
- [63] Veive Large Hamenda, *A Review of Human Rights on the Application of the Death Penalty in Indonesia*, *Journal* Vol.II/No.1/Jan-Mrt/2013 .www.portalgaruda.org..
- [64] Zakie, M 2011, *Procurement land for the public interest Comparison between Malaysia and Indonesia*, *Law Journal Ius Quia Iustum Special Edition*, vol 18.