

LAND PROCUREMENT IN ORDER TO SUPPORT THE DEVELOPMENT REVIEWED FROM THE ASPECTS OF LEGAL CERTAINTY

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ABSTRACT

Article 5 of the Basic Agrarian Law of Indonesia establishes that the earth, water, space, and their natural resources are under the control of the state, with the aim of achieving public prosperity in a just society. In developing the electricity system, as per Law No. 30 of 2009 on Electricity, land use necessitates compensation for land rights holders in accordance with Law No. 2 of 2012 on Land Acquisition for Public Interest and related regulations. Regulation of the Minister of Energy and Mineral Resources No. 13 of 2023 addresses spatial planning, minimum distance for electric transmission networks, and compensation for land and buildings under these networks. However, land beneath the Extra High Voltage Overhead Line (SUTET) only receives compensation for land value, not for the use of the space beneath the line, leading to reduced land productivity and economic value. This research employs normative juridical research with statutory and case approaches, analyzing primary legal materials such as relevant laws and regulations. It utilizes legal theories including legal certainty, justice, and state welfare. The research finds that the current practice of not compensating land under SUTET, but only compensating for land value, results in economic disadvantage and lacks fairness. To promote legal certainty and justice, it is recommended that compensation provisions be explicitly regulated by law to address these issues comprehensively.

INTRODUCTION

Land plays a crucial role in Indonesia as both a means of livelihood and a foundation for welfare, being a divine gift that must be used sustainably while acknowledging its social function. It is central to national development and welfare, aligning with the concept of a welfare state as outlined in Article 33 Paragraph (3) of the 1945 Constitution. The Basic Agrarian Law Number 5 of 1960 reinforces this by emphasizing that land, water, and space must be utilized for the benefit of all Indonesians, reflecting the spiritual and national ideals of the state.

The Indonesian legal system, grounded in the 1945 Constitution and Pancasila, aims to protect and promote the welfare of its citizens through clear legal frameworks (Hartono, 2024; Junaedi, 2024; Marzuki, 2023; Syarif & Suparno, 2021; Yusa et al., 2022). This legal structure has evolved to adapt to societal needs, encompassing various regulations that govern economic, political, social, and cultural aspects, including the electricity sector, which is vital for economic development. The law is intended to support orderly and directed national development while being rooted in timeless principles derived from divine and human reason.

Sources of electricity energy in Indonesia include hydropower plants, nuclear power plants, solar power plants, and other renewable energy (Pambudi et al., 2023; Paundra & Nurdin, 2022; Perdiansyah et al., 2021; Permana et al., 2021; Rahman et al., 2022), which require transmission facilities to distribute

electricity to consumers. Land acquisition for 500 kilovolt transmission must be carried out in accordance with applicable law, with PT. PLN (Persero) as the party assigned to regulate the electricity system in Indonesia based on the Electricity Law. The development of electricity law, like other branches of law, grows and develops according to the needs of society and the changing times, with the aim of achieving legal certainty, justice, and welfare.

The ideal of realizing a just and equitable welfare of the people in Indonesia has been pursued since independence, in accordance with the mandate of the 1945 Constitution. However, equitable and balanced development in all sectors is still a challenge, especially in achieving prosperity for all Indonesians. The development of laws and regulations that follow population growth and societal changes often causes old regulations to no longer be relevant, so adjustments are needed so that the implementation of national development can realize a prosperous and prosperous society in a fair and equitable manner throughout Indonesia.

Indonesia, with abundant natural resources such as marine resources, agriculture, mining, and others, has great potential to realize the welfare of its people. Comprehensive and well-planned national development, with a priority on improving human resources through continuing education and mastery of technology, is needed to advance the nation and compete globally. In addition, the government needs to create jobs to increase income and encourage the economic sector. Cooperation between the government, the private sector, and the community is essential to achieve the goal of fair and equitable development, as well as to avoid the negative impact of poorly planned development. With a mature program, the ideals of a prosperous and prosperous Indonesia can be realized.

National development in Indonesia is currently focused on improving infrastructure, including the need for land for various development projects, especially those managed by the government and State-Owned Enterprises (SOEs). Land acquisition for electricity and other infrastructure development is carried out with reference to the principles of justice and humanity as stipulated in the 1945 Constitution and the Basic Agrarian Law Number 5 of 1960. The government prioritizes the deliberative process in land procurement, by providing fair and appropriate compensation to the right parties, in order to ensure that development for the public interest can take place smoothly and in accordance with the rule of law.

Land acquisition in Indonesia is governed by regulations such as Law Number 2 of 2012, which mandates appropriate compensation for land acquired for public interest. The process can involve sale, grant, or state-initiated revocation of land rights, with revocation occurring only when absolutely necessary, as outlined in Law Number 20 of 1961. The 1945 Constitution and Law No. 5 of 1960 emphasize that land, water, and space management must serve the public interest and contribute to the people's prosperity. Regulations, including Presidential Regulation Number 19 of 2021, stress justice, public interest, and transparency in land acquisition, which is essential for infrastructure projects like roads, airports, and utilities. The acquisition process must align with legal mechanisms and prioritize public needs to support sustainable development.

Electricity needs in Indonesia, which are handed over to PT PLN (Persero) in accordance with Electricity Law Number 30 of 2009, include the provision of electricity throughout Indonesia, including the construction of power plants, transmissions, substations, and distribution facilities. Along with the increase in electricity demand every year, PT PLN is obliged to provide reliable and high-quality infrastructure to meet the electricity needs of residential, industrial, and other sectors. This development must be carried out with careful planning and compliance with applicable laws and regulations, including in terms of land acquisition needed for the construction of 500 kilovolt (KV) SUTET transmissions, substations, and other supporting facilities, in order to ensure the sustainable supply of electricity and meet the needs of all Indonesia people.

Land in Indonesia is a vital need for housing, agriculture, industry, and other facilities (Indrajit et al., 2020; Marwanto & Pangestu, 2021; Surya et al., 2020; Widhiyastuti et al., 2023; Widowaty et al., 2021), but it is increasingly difficult to obtain due to population growth and economic development, especially in dense urban areas. This difficulty affects the construction of the 500 kilovolt (KV) SUTET transmission by PT PLN (Persero), especially on the island of Java, which faces various obstacles such as spatial planning problems, AMDAL, land ownership, compensation, residual land, free space, as well as socio-economic and customary law issues. This challenge in land acquisition hinders electricity development, so further research is needed related to the aspect of legal certainty in supporting development.

The formulation of this research problem includes three main aspects: legal regulations regarding land acquisition for the construction of the State Electricity Company (PLN) transmission according to the laws and regulations in Indonesia, the implementation of these regulations, and how these arrangements can ensure legal certainty for the community. The purpose of this study is to understand the procedures for land acquisition, the implementation of the process in accordance with applicable laws, as well as the challenges in the implementation of 500 kilovolt (KV) transmission payments by PT PLN Persero related to applicable regulations.

In addition, this study also aims to investigate the originality of academic works related to land acquisition by comparing the results of previous research. The benefits of the research are expected to make a theoretical contribution to the development of legal science, especially regarding land acquisition for the public interest, as well as practical benefits for the government, legal practitioners, and the community in understanding and handling the problem of land acquisition for fair and equitable development.

METHODS

Research methodology involves collecting, processing, and analyzing data to acquire objective and controlled knowledge, with research aiming to explore, test, and develop knowledge systematically. Legal research specifically includes normative and empirical studies, focusing on data from primary, secondary, and tertiary legal materials, along with relevant non-legal data.

This study employs a normative law approach supported by empirical legal research, using library data and qualitative analysis to address issues related to land acquisition for the public interest. Data collection included literature studies, in-depth interviews, and observations, with data analyzed systematically and qualitatively. The study evaluates the effectiveness of laws and regulations concerning land acquisition and offers recommendations for policy improvement based on legal analysis and case studies.

RESULTS

Regulations on Land Acquisition for the Construction of Transmission of the State Electricity Company (PLN)

Article 6 of the Basic Agrarian Law emphasizes that all land rights must fulfill social functions and should not be used solely for personal interests if it is detrimental to the community. Land use must benefit the general welfare and the country. In addition, Article 3 of the same law states that customary rights and similar rights of customary law communities must be in accordance with the national interest and not contradict higher laws. Customary rights include the authority and obligations of indigenous peoples related to land in their territory, including aspects of civil law ownership and the regulation and joint use of land in public law.

History of Land Law

History, according to the Great Dictionary of the Indonesian Language (KBBI), includes origins or descendants, past events, and knowledge of past events. Kunto Wijoyo stated that history in social and cultural sciences involves the chronological dimension, reciprocal relationships in social journeys, and focuses on human and institutional phenomena. John Glissan and Friti Gorle added that history involves new findings from past research and present experiences. The Basic Agrarian Law No. 5 of 1960, which was formed based on Pancasila and the 1945 Constitution, reflects a fundamental change in agrarian law in Indonesia, with the aim of creating a national and fair agrarian law system, as well as abolishing colonial and feudal rights. Indonesia's agrarian law reform includes five main programs, including legal reform, the elimination of foreign rights, the end of feudalism, the overhaul of land tenure, and the planning of natural resource use. The unification of Indonesia's land law is regulated in the Basic Agrarian Law, which only grants property rights to Indonesia citizens and provides equal opportunities for all citizens to acquire land rights.

Land Law Politics

Political science studies political life with various definitions that often differ because each scholar emphasizes certain aspects of politics. According to Heywood, politics is the entire activity of society in establishing, maintaining, and changing general rules. In Indonesia, land has a crucial role because most of the population depends on it for various basic needs such as housing, agriculture, and social activities.

Land is considered a gift of God and has significant economic, social, cultural, political, and ecological dimensions. Law Number 5 of 1960 concerning Agrarian Principles regulates the legal basis regarding land in Indonesia, with the aim of supporting national development and people's welfare.

Land law politics in Indonesia, as stipulated in the Basic Agrarian Law, aims to create prosperity for the people through fair management and use of land. Article 33 Paragraph (3) of the 1945 Constitution emphasizes that the earth, water, and natural resources are controlled by the state for the prosperity of the people. Land policies are regulated to improve inequality, resolve disputes, and ensure equitable distribution of land ownership. The Basic Agrarian Law and related regulations reflect efforts to align land law with the principles of Pancasila and the needs of the community, while integrating customary law in the national legal system.

Land Law Reform in Indonesia

Agrarian law is a legal instrument that regulates the division and supervision of land to achieve justice in land ownership and utilization. According to Boedi Harsono, agrarian law covers a broad aspect of the definition of land, not limited to agricultural land. Utrecht stated that law is a set of rules for the order of society, while Gouw Jade Siong defined agrarian law as a law that regulates the relationship between man and land fairly. Lemaire sees agrarian law as part of private law, state administration, and state administration, while Fockema Andreal emphasizes that agrarian law includes regulations on businesses and agricultural land. Agrarian reform aims to address inequality in land ownership and provide justice, but it is often difficult to implement in practice. The definition of agrarian law varies, ranging from land affairs and everything related to it according to Soebekti and Tjitrosoedibio, to a broader scope in civil law and state administration according to Gouw Giok Siong and Lemaire.

Land law is a system that regulates land tenure rights and related provisions, focusing on the juridical and physical aspects of land. This system includes the regulation and distribution of rights to the earth's surface as stipulated in the Basic Agrarian Law Number 5 of 1960, which states that land rights cover the earth's surface and do not include the natural resources underneath. Land in the legal context includes the earth's surface, its boundaries, as well as objects on it such as buildings and plants, which are considered part of land rights. Land law also includes regulation of the natural resources contained in the earth, water, and space, which requires specific regulations separate from land rights.

Legal Arrangements for Land Tenure

The definitions of "control" and "control" can include both physical and juridical aspects, both in civil and public contexts. Juridically, land tenure is based on rights protected by law, giving authority to the right holder to physically control the land. However, in practice, physical control is often carried out by other parties, such as tenants or parties who control without a contract. The landowner has the right to demand the physical return of the land if it is controlled by another party. In land law, juridical tenure does not always correspond to physical tenure, and the right of security over land allows creditors to have juridical rights but physical tenure remains with the landowner. This definition is regulated in the 1945 Constitution and the Basic Agrarian Law Number 5 of 1960.

Basic Agrarian Law Number 5 of 1960 introduced several new principles in national agrarian law that distinguished it from the previous colonial agrarian law. These principles include the Principle of Nationality, which affirms that the entire territory of Indonesia is the right of the Indonesia nation and national wealth of an eternal nature, and the Principle of the Right to Control the State, which gives the state the authority to regulate the use and allocation of land without physically controlling the land. Land tenure rights are regulated in this law through several levels, including national rights, state rights, customary law community rights, and individual rights such as Property Rights, Business Use Rights, and Building Use Rights. In addition, the regulation of land tenure rights also includes aspects of civil and public law. The sale and purchase of land is regulated in both civil law and customary law, with differences in procedures and the meaning of assignment of rights. Land law as an independent branch of law includes all provisions related to land tenure rights as a legal institution and concrete relationships, forming a systematic legal system.

Changes to land laws in Indonesia, based on the Basic Agrarian Law Number 5 of 1960, aim to ensure that land and space are used fairly and prosperously for the community. This law covers a wide range of land rights, including Property Rights, Business Use Rights, Building Rights, Use Rights, Lease Rights, Land Clearing Rights, and rights related to water and space. Property Rights are the strongest

hereditary rights over land that can be owned by Indonesia citizens or certain legal entities, while Business Rights and Building Rights give the authority to use land for a certain period of time. The Right of Use allows the use of land belonging to another person under certain conditions, while the Right of Lease regulates the payment for the use of the land. All of these rights must be registered for legal certainty and can be used as collateral for debts. In addition, the Basic Agrarian Law emphasizes the importance of the social function of land for the welfare of the community and the state, as well as changes in land tenure from the central government to local governments after the amendment of the 1945 Constitution.

Management Rights are rights to land that are directly controlled by the state without specific land rights, as regulated in Government Regulation Number 24 of 1997. This right includes land that is voluntarily handed over, land whose rights have expired, land that is left dead without heirs, abandoned land, and land taken for the public interest. Management Rights can be obtained in two ways: conversion and government designation. Conversion changes the status of land from land rights to management rights in accordance with applicable regulations, such as Agrarian Regulation Number 9 of 1965. Government agencies or regions that obtain this right must register their Management Rights, in accordance with Article 1 of Agrarian Regulation Number 1 of 1996, to ensure the recognition and legality of these rights.

Management Rights can be realized through government determination when government agencies submit an application to the state to obtain these rights. This process begins with an application for individual rights and can only be issued if state land is not possible to be transferred directly. The application must be submitted to the authorized agency, and if approved, the government will issue a Letter of Certainty for the Grant of Rights (SKPH) which must then be registered as a certificate of Management Rights. After that, the agency concerned can give other rights to third parties. This procedure is regulated in Agrarian Law Regulation Number 9 of 1999, which replaces the previous regulation, and the procedure is regulated in the Regulation of the Minister of Agrarian Affairs Number 9 of 1999.

The granting of land management rights is regulated by the Regulation of the Minister of Agrarian Affairs Number 9 of 1965 which aims to carry out the conversion of the Right to Ownership of State Land according to the Basic Agrarian Law Number 5 of 1960. This regulation stipulates that Management Rights granted to government agencies, departments, and autonomous regions can also be given to third parties and converted into Use Rights. However, there is a conflict of norms between existing regulations, such as the Regulation of the Minister of Agrarian Affairs and the Regulation of the Minister of Home Affairs, which can give birth to Property Rights and Building Use Rights. To overcome this problem, it is necessary to have a firm regulation in the Law so that the Management Rights are not monopolized and can contribute to the prosperity of the people. This demand is responded to by the Job Creation Law and Government Regulation Number 18 of 2021 which regulates various aspects of Management Rights, including the type of land that can be encumbered with rights, the subject of rights, and the transition procedure.

Land management rights are not regulated in the Basic Agrarian Law Number 5 of 1960, but have become common in development in Indonesia. This right is a form of use of the right to control the state and is used to meet land needs for development and settlement without having to transfer land ownership from the state. To ensure a strong legal basis, Law Number 11 of 2020 concerning Job Creation, or omnibus law, regulates Management Rights together with Government Regulation Number 18 of 2021. According to experts such as Mario S. W Sumardjono, Boedi Harsono, and A.P. Protection, the Right to Manage is the authority of the state that is delegated to the right holder, whether a legal entity, local government, or a third party, for its own use or for the benefit of a third party.

Article 42 of the Law on Land Acquisition for Public Development states that if the party entitled to refuse the form or amount of compensation or its existence is unknown, or if the object of land acquisition is being processed in court or becomes collateral in a bank, compensation can be deposited in the local District Court. Parties who disagree with the amount of damages set may file an objection within 14 working days to the local court. Custody also applies to cases where the land object is still in dispute or is being confiscated by the authorized official.

Land law in Indonesia regulates Land Tenure Rights (HPAT), while land use and inheritance are regulated by land use law and inheritance law. The national land law aims to create legal certainty through written regulations, such as Article 33 of the 1945 Constitution, the Basic Agrarian Law No. 5 of 1960, and its implementing regulations. However, regulations on HPAT also involve unwritten laws,

such as customary law and new customs. Boedi Harsono emphasized that each type of HPAT includes a series of rights, obligations, and prohibitions that determine what can or cannot be done with the land that is titled.

Land registration in Indonesia is regulated by Government Regulation No. 24 of 1997, which replaces Government Regulation No. 10 of 1965 and follows the provisions of Article 19 of the Basic Agrarian Law No. 5 of 1960. Land registration aims to provide legal certainty and justice for land tenure by following applicable regulations. The government implements land registration to ensure legal certainty and manage agrarian resources effectively, in accordance with the provisions of Article 2 paragraph (2) of the UUPA.

Registration of land rights is an important process in land acquisition for the public interest, which includes the collection, processing, and presentation of physical and juridical data on land, including the issuance of rights certificates. According to Government Regulation Number 24 of 1997, land registration is carried out regularly, continuously, and involves data on land plots and flats, as well as certain rights that burden them. The object of registration includes property rights, business use rights, building use rights, use rights, management right land, waqf land, property rights to apartment units, dependent rights, and state land. The land registration function, mandated by Article 19 of the UUPA and managed by the National Land Agency, aims to provide legal certainty and has resulted in more than 10 million registered land plots since the commencement of the Complete Systematic Land Registration (PTSL) in 2017.

The purpose of land rights registration, according to Article 3 of Government Regulation Number 24 of 1997, is to provide legal certainty and legal protection to rights holders with certificates as proof of rights, provide information to interested parties including the government, and support the orderly administration of the government. In addition, land registration also functions for socio-economic legal certainty and legal protection for landowners who obtain rights in good faith. Related regulations include the Basic Agrarian Law Number 5 of 1960, Government Regulation Number 24 of 1997, and various implementing regulations, such as the Regulation of the Minister of Agrarian Affairs Number 3 of 1997 and Government Regulation Number 40 of 1996.

The implementation of the registration of Land Rights for the first time includes several stages, namely: (1) Collection and processing of physical data through the creation of a basic map of land registration that ensures the location of the land plot accurately; (2) Determination and installation of land parcel boundaries in accordance with Articles 17-19 of Government Regulation No. 24 of 1997 and Articles 19-23 of Regulation of the Minister of Agrarian Affairs No. 3 of 1997; (3) Measurement and mapping of land parcels as well as the preparation of registration maps as stipulated in Article 20 of Government Regulation No. 24 of 1997 and Articles 2-45 of Regulation of the Minister of Agrarian Affairs No. 3 of 1997; (4) The preparation of a Land Register that records the registration number on the map, is regulated in Articles 146-155 of the Regulation of the Minister of Agrarian Affairs Number 3 of 1997; and (5) Preparation of Survey Letters for land parcels that have been surveyed and mapped, with the arrangement of their form, contents, and storage in Articles 156-161 of the Regulation of the Minister of Agrarian Affairs Number 3 of 1997.

The land registration process uses two main systems: (1) the Registration of Deeds System, in which deeds relating to land rights are registered, and the registration officer does not verify the correctness of the deed data, so the process of searching for juridical data can be time-consuming; and (2) the Registration of Titles, where land rights and their amendments are registered, not just deeds. In this system, the registry official actively verifies the correctness of the data before recording the rights in the land book or register, also known as the Torrens system.

In the registration of Land Rights, there are several main principles regulated in the Basic Agrarian Law Number 5 of 1960 and Government Regulation Number 24 of 1997. These principles include: (1) the Specialiteit Principle, which emphasizes registration based on specific regulations related to land measurement and mapping to provide legal certainty regarding physical soil data; (2) The principle of Openbaarheid (openness), which ensures that juridical data on land rights are available to the public; as well as several additional principles from Government Regulation Number 24 of 1997, namely: Simple Principle (easy-to-understand procedures), Safe Principle (careful implementation to ensure legal certainty), Affordable Principle (accessibility for all groups), Cutting-Edge Principle (data is always updated), and Open Principle (data can be accessed transparently by the public).

Definition and Classification of Public Interest

The public interest refers to the needs or needs that concern all levels of society and go beyond the personal interests of individuals. The definition varies in laws and regulations; for example, Presidential Decree No. 55 of 1993 and Law No. 20 of 1961 mention the public interest in the context of infrastructure development such as highways and ports. Presidential Instruction Number 09 of 1973 expands this definition to include various fields such as land, health, and education. The concept also includes social interests and national development, emphasizing that the public interest is a priority that prioritizes the welfare of the wider community. Presidential Regulations and Laws such as Number 2 of 2012 emphasize that land acquisition for the public interest must pay attention to the prosperity of the people and can involve sacrifices from some people with adequate legal protection.

Principles of Land Acquisition Regulation

Land law is a part of agrarian law that includes regulations regarding land, water, and space. The principles of land law include unity, which prioritizes the unity of the state; the abolition of domains, which removes the right of absolute control after the enactment of the Basic Agrarian Law; social function, which balances personal and public interests; and the reform of the agrarian system that eliminated the dualism of colonial and feudal agrarian law. Agrarian law reform includes legal unification, the elimination of foreign rights, land tenure overhaul, and sustainable planning and use of natural resources, by integrating customary law as the basis of national agrarian law.

General Plan for Regional and Regency/City Spatial Planning

The General Spatial Plan in Indonesia consists of three levels of administration: the National, Provincial, and Regency/City Spatial Plans. In accordance with Law Number 26 of 2007, the spatial plan includes island/archipelago plans, national strategic areas, and regency/city spatial details, and can be reviewed for revision. Control of the implementation of the plan is carried out through supervision, reporting, monitoring, and control. This arrangement aims to prevent conflicts of interest, avoid discrimination, facilitate socio-economic services, and maintain space sustainability. The space utilization program includes vertical and in-earth use, as well as the management of land and natural resources. Law Number 6 of 2023 regulates the suitability of space utilization with the Detailed Spatial Plan (RDTR) which must be available digitally and integrated in the electronic licensing system. Spatial conformity must follow a hierarchy from the national level to the district/city level to ensure development in accordance with regulations and avoid conflicts with urgent interests.

Normative land use aims for the welfare of the community by ensuring that the community can enjoy the benefits of space, know and participate in spatial planning, and get appropriate compensation as a result of development. Land, as a gift of God, must be managed optimally and sustainably. Land use must be based on national, regional, and local master plans, and meet environmentally friendly requirements. Land management must consider environmental impacts and follow provisions that ensure that land use in protected areas does not damage ecosystems, while in cultivated areas must be well maintained, without conflicting with each other, and increase added value. The technical guidelines for land use planning regulate the conditions for the use of the land.

Land use, both for public and private interests, must follow applicable rules to maximize benefits and avoid mudhorot or negative impacts. Land use that does not comply with normative rules can be detrimental to the environment and society, and can be subject to criminal sanctions if it results in losses. Although the Regional Spatial Plan (RTRW) is expected to regulate land use well, the reality is that there are still shortcomings, such as the unavailability of RTRW in all provinces and districts/cities in Indonesia, which makes it difficult to implement existing provisions.

Land acquisition is a crucial component in infrastructure development that supports the economy and community welfare. This process involves the need for land that must be properly regulated so that the community as landowners can play an active role, including sacrificing their land by obtaining appropriate compensation. Land acquisition planning, in accordance with Law Number 2 of 2012, includes notification of development plans, procurement objectives, location and area of land, as well as estimated time and land prices. Preparation involves notifying landowners, collecting accurate land data, and public consultation to ensure transparency and compliance with the regional spatial plan (RTRW).

Compensation deliberation and public consultation, according to Presidential Decree No. 55 of 1993, is a process of dialogue between land rights holders and parties who need land to reach an

agreement on the form and amount of compensation. The form of compensation can be in the form of money, replacement land, resettlement, shares, other forms, or in special circumstances such as disasters. All forms of compensation must be agreed upon in deliberation or determined by the court if there is a dispute. The provision of compensation must be documented and implemented according to procedures, with transparency and fulfillment of legal provisions to avoid further disputes.

In the procurement of land for public interest development, the land acquisition process ends with the provision of compensation and the transfer of land rights in accordance with Articles 48-50 of Law Number 2 of 2012. After the completion of the procurement, the committee carried out administration for the transfer of land rights to the relevant agencies. This process requires an approach that is not only based on legal norms, but also considers sociological aspects. The land acquisition team needs to conduct juridical and sociological studies, as well as identify driving and inhibiting factors to ensure the success of land acquisition and meet development needs optimally.

Juridical studies in land acquisition for the public interest, in accordance with Law Number 2 of 2012 and Presidential Decree Number 71 of 2012, require public consultation to reach an agreement on the project location. Previously, the determination of the location was carried out unilaterally by officials by issuing a Land Acquisition Principle Approval Letter (SP3L) and a Land Use Appointment Permit (SIPPT). Currently, this process must comply with juridical principles that include control and supervision, conformity with spatial plans, and the determination of obligations to provide public facilities. The land acquisition committee must carry out a series of activities, including location determination, data collection, socialization, deliberation, and administration. The amount of compensation is determined by the assessor, but deliberation is still needed to reach an agreement between the landowner and the committee. The results of the deliberations become a legal product that applies to all parties involved.

Sociological studies in land acquisition show significant changes in community attitudes from previous eras, with society today becoming more critical and dynamic. In big cities such as Jakarta, social changes have a direct effect on the process of acquiring land for development. Many Indonesians still consider land ownership to be an absolute right that cannot be contested, making them reluctant to give up their land rights, especially if compensation is deemed inadequate. Landowners often feel pressured if the compensation is not worth the losses experienced. Therefore, the government has an obligation to protect and prosper the community, as well as to ensure that the land acquisition process is carried out fairly and adequately.

The Principle of Horizontal Separation in Agrarian Law

In western land law, land rights are divided comprehensively to each legal subject, both individuals and legal entities, with the principle of ownership that includes objects on the land, known as the principle of "accessie." On the other hand, in the land politics of the Republic of Indonesia based on customary law, land ownership is in customary law communities with customary rights, but land rights can be given individually or communally. The Basic Agrarian Law adopts the principle of "horizontal separation," which states that land ownership does not automatically include objects on it. In customary law, construction or signs of ownership on land or trees can change the ownership status of the land or objects around it. This provision also applies to the ownership of flats, which includes ownership of common parts and common objects, and may affect claims for ownership of certified land.

Implementation of Land Acquisition Arrangements for the Development of State Electricity Company (PLN) Transmission in Indonesia

Land acquisition for the public interest in Indonesia aims to create a just and prosperous society in accordance with Pancasila and the 1945 Constitution. This process is carried out by the Government, State-Owned Enterprises, or Regional-Owned Enterprises for development programs that are truly in the public interest. The implementation must be in accordance with the applicable laws and regulations, provide fair compensation, and do not cause loss or misery to the affected community. The main philosophical basis of this land acquisition is the precepts of Pancasila.

Implementation of Land Acquisition Regulations for the Public Interest

The implementation of land acquisition regulations for the public interest includes several important stages after the determination of the development site. Agencies that require land must submit implementation to the Land Institution, which includes inventory and identification of land ownership, ownership, use, and utilization; assessment, deliberation, compensation and land release. Inventory and identification must be carried out within 30 working days and announced at the village/sub-district office, sub-district office, and land acquisition place within 14 working days. The results should be announced in stages and include the subject of rights, area, location, and map of the plot. The eligible party can file an objection within 14 working days after the announcement if it does not receive the result, and verification and correction are carried out within 14 working days after the objection is filed.

The assessment of compensation in land acquisition for the public interest is carried out by an appraiser determined by the Land Institution in accordance with laws and regulations, and the appraiser is responsible for the assessment. Assessments include soil, upper and lower basements, buildings, plants, and soil-related objects, and if any remaining soil is unusable, a complete replacement may be requested. Deliberations to determine compensation must be carried out within 30 working days after the assessment, and the results of the deliberations are the basis for providing compensation. If there is no agreement, the entitled party can file an objection to the district court within 14 working days, and the court decision can be filed with the Supreme Court within 14 working days with the decision to be rendered within 30 working days. If the party with the right does not file an objection, it is considered to have received the prescribed compensation.

The provision of compensation in land acquisition for the public interest is carried out directly to the entitled party according to the results of assessment and deliberation or court decisions. The entitled party must submit proof of land ownership and make a waiver, with responsibility for the validity of the evidence and potential third-party claims. Compensation can be in the form of money, replacement land, resettlement, stock ownership, or other mutually agreed forms. If the party who has the right to refuse compensation, or in the case of the land object in dispute, compensation can be deposited in court. The release of land used for government tasks or owned by SOEs/BUMDs, as well as village treasury land, can get compensation in the form of land, buildings, or relocation, according to the assessment.

After the land acquisition process is completed, the land acquisition committee hands over the Land Rights to the needy agency after the compensation and release of rights are exercised or the compensation is deposited in the court. Agencies that need land can start development activities after the handover of land acquisition results is carried out.

Funding for land acquisition for the public interest is regulated in Article 52 of Law Number 2 of 2012, which states that the source of funds comes from the State Revenue and Expenditure Budget (APBN) or the Regional Revenue and Expenditure Budget (APBD). For State-Owned Legal Entities or State-Owned Enterprises with special assignments, funding can come from within the company or other sources according to regulations. Funds include planning, preparation, implementation, submission of results, administration, and socialization. Funding is carried out by agencies and outlined in budgeting documents. Presidential Regulation No. 65 of 2006 regulates additional provisions related to committee fees, extension of deliberation time, and forms of compensation, increasing respect for land rights and legal certainty in land acquisition.

Cases of Land Acquisition for the Public Interest

In the process of building a 500 kV transmission by PT PLN (Persero), there are various obstacles and legal problems related to land acquisition for the location of the transmission tower, including: (1) some landowners refuse the set compensation value, and the compensation money must be deposited in the District Court; (2) some landowners requested that all their land be released, but these demands were rejected because they were not in accordance with the regulations; (3) there is a landowner whose whereabouts are unknown, so the compensation money is deposited in the District Court; (4) requests to change transmission lines that pass through residential areas result in plan adjustments and additional costs; (5) transmission lines that pass through forests require the lease of forestry land; and (6) some communities ask for compensation money for the benefit of the local community.

Consignment and Revocation of Land Rights Cases

In Netherlands, "consignatie" means to deposit money or goods at a pawnshop for debt payment. The definition of consignment as a certificate of deposit for compensation is regulated in Presidential Regulation Number 65 of 2006 which was later amended by Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest. Consignment includes the storage of compensation money in the District Court by an institution that requires land when the party has the right to refuse compensation or a District Court decision that has permanent legal force. The implementation of consignment is also regulated in the Regulation of the Head of the National Land Agency Number 3 of 2007. In the 500 kV SUTET construction project, supervision is carried out by the Committee for the Acceleration of Priority Infrastructure Provision (KPPIP) together with various ministries and related agencies, while the main challenge is handling social impacts in accordance with Presidential Regulation Number 62 of 2018, with an emphasis on synergy between PLN and all parties to ensure reliable and timely electricity supply.

Consignment and Revocation of Land Rights Case based on Determination Number 2/Pdt.P.consig/2020/PNBil

The Bangil District Court decided on the application filed by Djarot Hufabri EBS, General Manager of PT. PLN (Persero) for the custody of compensation related to the acquisition of 1,069 m² of land in Kenduruan Village, Sukorejo District, Pasuruan Regency, which will be used for the construction of the 500 kV Bangil Extra High Voltage Substation (GITET). The court accepted the deposit of compensation money in the amount of Rp. 367,300,000, which was rejected by the landowner, Mr. Musta'in, and arranged that the money was kept by the Bangil District Court Clerk. This decision is based on the documentary evidence submitted by the applicant and in accordance with the provisions of Article 29 paragraph (6) of Supreme Court Regulation Number 3 of 2016. An application fee of Rp. 330,000 is charged to the applicant.

Obstacles Faced in Land Acquisition for the Public Interest

The process of land acquisition for public interest development by PT PLN (Persero) involves several stages. At the planning stage, PT PLN prepares long-term, medium-, and short-term plans based on electricity needs in accordance with laws and regulations, including documents containing the purpose, land location, land area, land status, implementation time, and budgeting. The preparatory stage includes notification of development plans, site data collection, and public consultation, with constraints such as unknown landowners' addresses and objections to site plans. The implementation of land acquisition involves inventory, assessment, deliberation, and compensation for damages, with challenges in identifying land ownership and rejecting the value of compensation. Compensation assessments by land agencies include various forms such as money, replacement land, or resettlement. At the deliberation stage, if there is a disagreement, the party has the right to file an objection to the court. Land acquisition often faces problems from third parties that hinder the process, such as intervention from NGOs and requests from landowners. Anticipatory efforts must be made to ensure socialization and satisfactory results in land acquisition.

Factors Hindering the Implementation of Land Acquisition for the Public Interest

Public concern for land sacrifice for public interest development is still low, with many considering land ownership to be absolute and inviolable, even though the social function of land is recognized. Land prices in big cities continue to increase, making it difficult to implement land acquisition and find replacement land. Land acquisition systems are also vulnerable to the penetration of certain groups for personal gain. Land is governed by the Basic Agrarian Law, which includes the earth, water, space, and natural resources in it. The Decree of the People's Consultative Assembly of the Republic of Indonesia and related laws direct agrarian reform to address social injustice and land tenure gaps, in line with the need for policy improvement and implementation in the land sector.

Expert Opinion

The issue of land supply and procurement is regulated by various regulations, with the term "provision" explained in the Regulation of the Minister of Home Affairs No. 15 of 1975 concerning procedures for land acquisition, and "procurement" explained in the Regulation of the Minister of Home Affairs No. 2 of 1985 for development projects at the sub-district level. These two terms refer to efforts

to provide land for the public interest and government development. Experts gave various views on land acquisition, including Imam Koeswahyono who emphasized legal actions by the government to obtain land by providing compensation, Maria S.W. Soemardjono who underlined the deliberations between related parties, Boedi Harsono who saw it as a release of legal relations in return, and Yusriadi who emphasized transparency and respect for land rights in accordance with the latest government regulations.

The legal politics of land acquisition seeks to realize the welfare of the people through the provision of land for the public interest, although in practice there are still inconsistencies. Teuku Muhammad Radie and Satjipto Rahardjo provide a definition of legal politics as an effort to achieve social goals with existing and future laws. Sunaryati Hartono stated that the law is a bridge to ideals, while Sutedi distinguished the political dimension of law as a basic policy and an enforcement policy. Legal politics must focus on what should be, not just as it is, and must not be influenced by certain interests, but must serve the public interest.

Findings of the Research Results

Indonesia's National Development is a sustainable process that began since independence with the aim of creating a just and prosperous society, in accordance with the mandate of the 1945 Constitution and Pancasila. This goal involves achieving equitable welfare for all people through various programs, one of which is infrastructure development, including in the electricity sector. PT PLN (Persero) as a national business entity appointed by the government is responsible for the provision of electricity and the implementation of the construction of power generation and transmission centers. However, in the process of land acquisition for infrastructure development such as transmission towers, there are various legal and administrative obstacles, including problems with land area, ownership status, compensation value, and overlapping regulations.

In addition, the social function of land rights is regulated in Law Number 5 of 1960, which emphasizes that the public interest can urge the interests of individuals, provided that appropriate compensation is given. The government must ensure that land use does not harm the community, by limiting the conversion of agricultural land to non-agricultural use. Land arrangements in Indonesia have also undergone reforms to reflect justice and welfare, involving dynamic agrarian law to meet the needs and demands of the community, including strengthening the rights of customary law communities. Economic globalization and social change add complexity to land arrangements, which require policy adjustments to ensure legal certainty and people's prosperity.

Regulation on Land Acquisition for the Construction of State Electricity Company (PLN) Transmission that Ensures Legal Certainty for the People of Indonesia

The legal regulation of land acquisition for the public interest must ensure legal norms that have the value of certainty and justice. Laws must reflect a strong and clear legal basis. Gustav Radbruch emphasized that positive law—which includes legislation—must be in accordance with reality, easy to implement, and difficult to change. Jan M. Otto added that legal certainty requires clear rules, consistency in implementation by rulers and judges, and public support. Sudikno Mertokusumo stated that legal certainty guarantees that the law is applied fairly and rights are exercised. Therefore, in land acquisition, the state should avoid a procedure that is not based on strong law and should expand the interpretation of Article 33 paragraph (3) of the 1945 Constitution to ensure that individual rights are not violated and compensation is given fairly.

Weaknesses of Regulatory Norms and the Need to Strengthen Legal Certainty

Along with the increasing need for land for development and rapid population growth in Indonesia, land conflicts have become an increasingly complex national issue. Weak regulations and the application of land laws lead to legal uncertainty and inadequate protection for land rights holders, often resulting in impoverishment in development projects for the public interest. Political instability and weakness of government authorities exacerbate this problem. Existing regulations, many of which are not yet in the form of laws and inadequate, cause problems in land acquisition and the implementation of compensation. The weakness of legal norms and the uncertainty of legal values indicate the need for firmer and more coercive legal norms, so that regulations can be recognized, clear, and binding to create legal certainty and prevent violations.

The Impact of Strengthening the Aspect of Legal Certainty on the Value of Justice

The impact of strengthening the law on justice includes three main objectives: first, the aspect of legal certainty that ensures that regulations are implemented clearly and adequately, so that the law can be obeyed; second, the aspect of legal justice that guarantees equal rights before the law, so that everyone is treated equally; and third, the aspect of legal benefits that ensure that the law provides benefits for the entire community. Legal certainty is achieved when clear regulations provide a definite legal basis, while legal justice is realized through the enforcement of rights and obligations fairly and consistently in the legal process.

Regulatory Reform in the Land Sector

Agrarian reform aims to solve the problem of poverty in villages, improve welfare through food independence, and increase productivity and distribution of Land Rights. These programs are regulated in Presidential Regulation Number 86 of 2018, Presidential Regulation Number 88 of 2017, and Presidential Regulation Number 62 of 2023. The goals include reducing inequality in land ownership, creating agrarian welfare, and creating jobs to reduce poverty. The arrangement of public interest in development must take into account the prosperity of the people and comply with the law by providing appropriate compensation for the land used.

The concept of public interest includes the interests of the nation, state, and society, regulated in the Basic Agrarian Law and related regulations. Land acquisition for the public interest must be done by respecting individual rights and providing fair compensation, considering the close relationship between humans and land as collective and individual rights. The deliberation process and dispute settlement of compensation is regulated in Law Number 2 of 2012, with the option of submitting an objection to the court if an agreement is not reached. Land acquisition for development must be balanced, respect individual rights, and not harm the interests of the wider community.

Strengthening Regulation in the RUTR Sector

Spatial planning includes the determination of spatial structures and patterns involving geographical, economic, social, and cultural aspects of the community. Spatial planning consists of general plans, such as Regional Spatial Plans (RTRW) for national, provincial, and district/city, as well as detailed plans such as Detailed Spatial Plans (RDTR). The goal is to meet development needs by considering the environment, investment efficiency, and synergy in development programs for the welfare of the community. This planning is regulated in Law Number 26 of 2007 and Government Regulation Number 21 of 2021, which emphasizes the integration of various interests and avoids policy overlap. The definition of space includes land, sea, air, and space within the earth, and spatial arrangement must follow the hierarchy of laws and regulations, with the 1945 Constitution as the main basis.

Compensation Arrangements in Land Acquisition with Legal Certainty and Justice

Compensation in land acquisition is an important element to ensure legal certainty, provided by the government or agencies that need land for the public interest. Compensation aims to ensure that the party whose land rights are taken do not become richer or poorer than in the previous situation. According to Law Number 2 of 2012 and Presidential Regulation Number 71 of 2012, compensation must be given directly to the entitled party, based on the assessment set, and can be in the form of money, replacement land, resettlement, or share ownership. The reimbursement process involves deliberation between agencies and land rights holders, with different implementation provisions for each type of compensation. If damages have to be deposited in court or in urgent circumstances, the process is specifically arranged to ensure that the party entitled to appropriate compensation is obtained.

Supervision of the Implementation of Land Acquisition

Supervision of Land Rights is carried out from the determination of the development location for the public interest to the determination of the value of compensation, where the provision of compensation of a maximum of 25 percent of the estimated value is carried out as temporary evidence until the final settlement results of the landowner are determined, and the release of rights is carried out at the same time as the provision of the remaining compensation. The land acquisition committee is responsible for monitoring and evaluating the results of procurement for the public interest, in

accordance with the provisions of Law Number 2 of 2017 and Presidential Regulation Number 71 of 2012. The National Land Agency monitors and evaluates the use of land acquisition proceeds, while related agencies such as the finance agency, BPK, and the Attorney General's Office are also involved in supervising the implementation of land acquisition.

CONCLUSION

Indonesia's land acquisition regulation is based on Pancasila and the 1945 Constitution, with laws and regulations such as Law Number 5 of 1960 and Law Number 2 of 2012 ensuring fair compensation and community welfare. The implementation of land acquisition must be deliberative and consensus-based, providing fair compensation and prioritizing the welfare of affected communities. Improvements include revising Law Number 2 of 2012 and related regulations to align with the national development plan, ensuring community welfare without harming their lives, and regulating compensation in the law for special projects like electric power transmission. The government should also establish clear land value standards and criteria for land acquisition to make the process more transparent and fair.

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