

LAND PROCUREMENT IMPLEMENTATION FOR THE DEVELOPMENT OF PUBLIC INTEREST IN INDONESIA

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ABSTRACT

Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest is an appropriate step to correct problems relating to land provision for development in the public interest in the State of Indonesia. With the issuance of the law, it is expected to bridge the problems between the community and the government in the procurement of land for development in the public interest. In the implementation of land acquisition for development in the public interest, it must be seen philosophically from Article 33 section (3) and Article 28H section (4) of the 1945 Constitution of the Republic of Indonesia, meaning that legal acts of land acquisition for development in the public interest, whether done for the benefit of the government in the name of the state with a motive for the public interest must respect the rights of individuals fully. Respect for individual or individual rights to land must be respected by the state, especially to citizens whose assets or property are only a piece of land. The implementation of land acquisition for development in the public interest is determined to guarantee the rights of individuals or individuals by promoting the principles of humanity, democracy and justice as mandated in the principles of Pancasila, namely the second principle: "just and civilized humanity"; fourth precept: "a state led by wisdom of wisdom in deliberation; and the fifth principle: "social justice for all Indonesian people".

Keywords: Land Procurement, Public Interest

I. INTRODUCTION

The Indonesian state is now actively implementing development in all fields, so the need for land is increasing. The development activities, especially the development of infrastructure both in the city and in the villages that require land as a place to build facilities. Land in human life has a very important role for the survival of life. According to Maria SW Sumardjono, land has physical value, and has spiritual values (Maria S.W. Sumardjono, 2005:41 - 42).

Land issues are a basic problem in relation to property rights that must be maintained. While the role of land in various sectors of human life has three very strategic aspects, namely economic, political and legal. These three aspects are central issues that are easily made into problems in the community, therefore in order to avoid horizontal conflicts between the community and the government, these three aspects must be resolved wisely. In its development the land problem is increasingly complex, so that the population increases and keeps abreast of the dynamics of the pace of Indonesian nation's development, including juridical, economic, political, social, religious dimensions, even for the land country having a strategic dimension (Darwin Ginting, 2013:122).

Land is the basic capital of development and almost all development activities both carried out by the Indonesian government and the private sector require land. There is almost no development activity that does not require land. Therefore the land plays a very important role, even determining whether or not a success is successful.

At present, development continues to increase with the development of the current time, while the land supply for development has not changed. This situation has the potential to cause conflict because public interests and individual interests clash with each other. The need for land availability for development needs provides an opportunity for land acquisition for various projects, both for the interests of the state / public interest and for business purposes, both large and small (Maria SW Sumardjono, 2007:256). Because the available state land is no longer sufficient, then to support the various development interests that become the object of the land are rights lands owned by individuals, legal entities, and indigenous peoples.

For land problems related to land acquisition for development in the public interest, the Government of Indonesia has issued Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, as well as the Republic of Indonesia Presidential Regulation Number 71 of 2012 concerning Land Procurement for Development For the public interest. With the enactment of the regulation, it is expected to reduce horizontal conflicts that often occur between the government and the community. But in reality the implementation of the regulation has been challenged by several elements of society such as the People's Coalition Against People's Land grabbing (Karam Tanah) which consists of the Indonesian Peasant Union, Indonesian Human Right Committee for Social Justice, Sadajiwa Bina Village Foundation, Renewal Consortium Agrarian, People's Coalition for Fisheries Justice, Walhi, Indonesian Farmers Alliance (IFA), Sawit Watch, People's Coalition for the Right to Water, Women's Solidarity Alliance, Pusaka Foundation, Elsam, Indonesia for Global Justice, and the Indonesian Fishermen's Union, which assesses that the Law is not in favor of the community (www.mahkamahkonstitusi.go.id, downloaded at Agustus 1rd, 2018). So that the agency conducts a judicial review effort to change or replace the Act because it will harm the public.

The Non-Governmental Organization considers that the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, and its implementing regulations are not in favor of the community, the Indonesian government under the pretext of development for the public interest easily obtains land, but is actually more oriented towards business interests such as building toll roads and ports. In addition, there are several criticisms related to clauses that are considered inappropriate and some provisions that require additional explanations and some material not covered by this regulation.

Based on these matters, there are several problems that can occur in land acquisition for development in Indonesia, namely: how to implement procedures to obtain land for the public interest based on the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Interest General? and what are the shortcomings and strengths of the substance of the regulation of the Republic of Indonesia Number 2 of 2012 concerning Land Procurement for Development in the Public Interest?

II. DISCUSSION

A. The implementation procedure for obtaining land for the public interest is based on the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest

Stipulation of Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, as a result of the weak previous rules governing land acquisition for development in the public interest and still slow in supporting infrastructure development activities needed for the Indonesian government. The law was made to guarantee legal certainty and time in land acquisition which became a sociological and juridical basis as well as to support the acceleration of infrastructure development and accelerate economic development.

The philosophical basis on which the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest is regulated is Pancasila, especially the second principle, namely: "just and civilized humanity"; fourth precept, namely: "the people who are led by wisdom of wisdom in deliberation; and the fifth principle, namely: "social justice for all Indonesian people". The basis of the consideration of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, there is a political will in the making of legislation, namely:

- a. that in the framework of creating a just, prosperous and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the government needs to carry out development;
- b. that in order to ensure the implementation of development for the public interest, it is necessary to have a land whose procurement is carried out by promoting the principles of humanity, democracy and justice;
- c. that the legislation in the field of land acquisition for development in the public interest has not been able to guarantee the acquisition of land for the implementation of development;
- d. that based on considerations as referred to in letter a, letter b, and letter c, it is necessary to establish a law on land acquisition for development in the public interest.

Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, is an appropriate step to correct problems relating to land provision for development in the public interest, because the previous legislation was deemed not to fulfill the sense of justice for those who lost the land. With the issuance of the law, it is expected to be able to bridge the problems of land acquisition for development in the public interest. Some of the fundamental problems in the process of land acquisition for development in the public interest so far include: first, the unavailability of basic rules, principles, procedures and mechanisms for land acquisition; secondly, the institution of land acquisition has not been established; thirdly, there is no specific regulation on land acquisition financing; and fourth, unclear criteria for activities that can be categorized as public interest. These four problems become one of the obstacles to achieving development goals for the public interest.

It can be said that philosophically, that the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, as if to carry out the mandate contained in the principles of Pancasila and guided by the principles of humanity, democracy and justice, although the influence of neo-capitalist ideology is undoubted. One real proof is the inclusion of private interests in this law under the pretext of development interests. This is also a concern if later the construction of infrastructure which used to be land used for development from the results of land acquisition from the Act, the hands will be transferred to the private sector and may even be turned into foreign capital. This is the question that maybe some people will not think about what happened in the future.

In the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, that is the land used for public use is the construction used for:

- a. National defense and security;
- b. Public roads, toll roads, tunnels, railroads, train stations and railroad operating facilities;
- c. Reservoirs, dams, dams, irrigation, drinking water channels, drainage and sanitation channels, and other irrigation structures;
- d. Ports, airports and terminals;

- e. Oil, gas and geothermal infrastructure;
- f. Power generation, transmission, substation, network and distribution of electricity;
- g. Government telecommunication and informatics networks;
- h. Waste disposal and processing sites;
- i. Government / Regional Government Hospital;
- j. Public safety facilities;
- k. Public burial place for the Government / Regional Government;
- l. Social facilities, public facilities and public green open spaces;
- m. Nature reserves and cultural heritage;
- n. Office of the Government / Regional / Village Government;
- o. Arrangement of urban slums and / or land consolidation, as well as housing for low-income people with rental status;
- p. Educational infrastructure or government / local government schools;
- q. Sports infrastructure of the Government / Regional Government;
- r. Public market and public parking.

Procedures and procedures for land acquisition for the public interest consist of planning stages, preparation stages, implementation stages, up to the delivery of results based on the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, and Republic of Indonesia Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, is as follows:

1. Planning phase

Every agency that needs land for development in the public interest, in order to prepare a Land Acquisition Planning Document, which at least includes: (1) the intent and purpose of the development plan, (2) compliance with the Regional Spatial Plan (RSP) and Development Priority, (3) the location of the land, (4) the area of land needed, (5) general description of land status, (6) estimated period of implementation of land acquisition and implementation of construction, (7) estimated land value, and (8) budgeting plan. The Land Acquisition Planning Document was prepared based on a feasibility study which included: (1) socio-economic survey, (2) location feasibility, (3) analysis of the costs and benefits of development for the region and society, (4) estimated land prices, (5) environmental impacts and social impacts that may arise due to land and building procurement, and (6) other studies required. The Planning Document is then submitted by the agency that needs land to the Governor which covers the area where the land is located.

2. Preparation Stage

In the implementation phase, the Governor establishes a Preparatory Team within a maximum of 10 working days, which consists of: (1) Regent / Mayor, (2) relevant Provincial Regional Organization, (3) agencies that need land, and (4) other relevant agencies. For the smooth implementation of the duties of the Preparation Team, the Governor establishes a Land Acquisition preparation secretariat domiciled in the Provincial Regional Secretariat. The duties of the Preparation Team are as follows: (1) Carry out notification of development plans; (2) Carry out initial data collection on the location of the procurement plan; (3) Carry out Public Consultation on development plans; (4) Preparing Determination of Development Sites; (5) Announcing the Establishment of Development Sites; and (6) Carry out other duties related to the preparation of land acquisition for development in the public interest assigned by the Governor.

3. Implementation Phase

Based on the Determination of the Development Location for the public interest, the agency that needs the land submits the implementation of Land Procurement to the Chairperson of the Land Procurement Agency, accompanied / accompanied by the Land Acquisition Planning Document and Determination of the Development Location. Provisions concerning the implementation of land acquisition are handed over to the Head of the National Land Agency (NLA), whose implementation is carried out by the Head of the National Land Agency (NLA) Regional Office as Chair of the Land Procurement Agency (with consideration of efficiency, effectiveness, geographical conditions and human resources, can be delegated to Head of Land Office), with a composition of membership with at least:

- a. An official in charge of Land Acquisition affairs in the BPN Regional Office;
- b. Head of the local Land Office at the Land Procurement location;
- c. Official of Provincial Regional Organization (PRO) in charge of land affairs;
- d. Local Camat at the Land Procurement location;
- e. Head of Village / Village Head or another name in the Land Acquisition location.

Implementation of Land Acquisition for development in the public interest, broadly includes:

- a. Inventory and identification of land tenure, ownership, use and utilization

This inventory and identification is carried out with a maximum period of 30 days. The activities include: (a) Measurement and mapping of fields per plot of land; and (b) Collecting data of Entitled Persons and Land Acquisition Objects. The results of the inventory and identification of the ownership, ownership, use and utilization of the land must be announced in the village office, sub-district office and Land Acquisition place in a maximum of 14 working days. In the event of not receiving the results of the inventory, the Eligible Party may file an objection to the Chairperson of the Land Acquisition in not more than 14 working days after the results of the inventory are announced, and then verify and repair within 14 working days from the receipt of the objection inventory results.

b. Rating of Losses

The results of the announcement and verification and improvement of the results of the inventory and identification of ownership, ownership, use and use of land are determined by the Chairperson of the Land Acquisition and subsequently becomes the basis for determining the parties entitled to compensation. Determination of the amount of the compensation value by the Chairperson of the Land Procurement Agency based on the results of the appraisal of a public appraiser or appraiser appointed and determined by the Chairperson of the Land Procurement Agency whose appraisal is carried out no later than 30 working days. In other words, the revocation of land rights is not merely taking over land rights from rights owned by individuals or groups that are the right of the State, but the State has the obligation to give consequences in the form of compensation (Mudakir Iskandarsyah, 2010:6).

c. Deliberation of Determination of Compensation

The Land Procurement Executor conducts deliberations with the Eligible Party within a maximum of 30 working days from the results of the assessment from the Appraiser being submitted to the Chairperson of the Land Procurement Agency to determine the form and/or amount of the Losses based on the assessment of compensation. The result of the agreement in the deliberation is the basis for giving compensation to the party entitled / his proxy contained in the minutes of the agreement. In the event that there is no agreement regarding the form and / or amount of compensation, the entitled party may file an objection to the local district court within 14 working days after the deliberation on the determination of compensation. The District Court determines the form and/or amount of the Compensation within 30 working days of receiving the objection. Parties who object to the decision of the District Court, within a maximum of 14 working days can submit an appeal to the Supreme Court. The Supreme Court is obliged to give a decision within 30 working days from the time the appeal is received. Decisions of the District Court / Supreme Court that have obtained legal force remain the basis for payment of Compensation to the party who filed the objection.

d. Giving compensation

Giving compensation can be done in the form of: (a) Money; (b) Substituted Land; (c) Resettlement; (d) Share ownership; and (e) Other forms agreed by both parties.

4. Stage of Submission of Land Procurement Results

The Chairperson of the Land Acquisition Committee submits the results of the land acquisition to the agency requiring the land accompanied by the Land Acquisition data no later than 7 working days after the release of the Land Acquisition Object right with the official report. After the submission process, a maximum of 30 working days of the agency that requires land is required to register / certify to be able to begin the development process. Funding for land acquisition for development in the public interest is charged to agencies that need land and are included in budgeting documents sourced from the state expenditure budget / state expenditure income budget. In the framework of efficiency and effectiveness, land acquisition for the public interest which is not more than 1 hectare wide, can be carried out directly by agencies that require land with holders of land rights by means of buying and selling or other means agreed by both parties.

B. Deficiencies and Strengths of the Republic of Indonesia Act Number 2 of 2012 concerning Land Procurement for Development in the Public Interest

1. Lack of Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest

In its journey, the ratification of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, encountered obstacles where there was a request for a judicial review from the People's Coalition Against People's Land Deprivation (Karam Tanah) which argued that the substance of the Republic of Indonesia Law Number 2 Year 2012 on Land Procurement for Development in the Public Interest, has not taken sides with the interests of the people. This is related to the definition of "development for the public interest" in which it appears to accommodate private interests in this Law under the pretext of development interests. The definition of development for the public interest is basically described in Article 1 number 6, Article 9 section (1), and Article 10 of the Republic of Indonesia Law Number 2 of 2012 concerning

Land Procurement for Development in the Public Interest. Based on Article 1 number 6 of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, it is stated that the definition of public interest as the interests of the nation, state and society must be realized by the government and used as much as possible for the prosperity of the people. In Article 9 section (1) of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, further explained that the implementation of land acquisition for the public interest takes into account the balance between development interests and the interests of society. Then in Article 10 of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, it is determined that land for public use is used for the construction of public facilities and facilities for State interests.

The contents of the provisions of the articles above by some circles are deemed to have deprived citizens of their rights to determine the types of development for the public interest and have defined themselves and determined the types of development that are categorized for the public interest. Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, exemplifies that the construction of toll roads and all types of port projects is inappropriate if categorized as public interest because they are managed on a business basis and serve only certain groups. In addition, in the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, this is not found regarding the definition of development interests and the interests of the community which are the conditions for the implementation of "public interest" as stated in the provisions of Article 9 section (1) of Law RI Regulation No. 2 of 2012 concerning Land Procurement for Development in the Public Interest. This shows that there is still a vague definition of development for the public interest in the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, as well as previous regulations. In addition, in Article 39, Article 42 section (1) and Article 43 of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, it is regulated that in the case of parties who have the right to reject the form and / or magnitude of Reparation, but do not submit objections within 14 working days after the deliberation of the Determination of Losses, because the law of the rightful party is deemed to receive the form and amount of compensation. The compensation is then deposited in the local district court. At the time of the execution of compensation and the release of the right has been carried out or the provision of compensation for loss has been deposited in the district court, ownership or land rights from the entitled party to be erased and the proof of rights is declared invalid and the land becomes land that is directly controlled by the state.

The removal of ownership or land rights from the rightful parties who reject the results of the deliberation but do not raise objections as stipulated in Article 39, 42 section (1) and 43 of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, above , shows the repression of this Law which was deliberately collided with the Republic of Indonesia Law Number 20 of 1961 concerning Revocation of Land Rights and Existing Items. Article 43 of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, this is clearly not in accordance with what has been described in the Considering dictum. General Provisions Article 1 number 2 and number 10 and Article 2 of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, namely the procurement of land for the public interest must pay attention to the principles of humanity, justice, agreement and other principles. Then in Article 1 point 4 and Article 33 point b of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, it is stated that the object of land acquisition and assessment of the value of the Damage Change by the Appraiser includes the land and underground space .

The definition of what is meant by "land and underground space" in the article is not explained further in this Law or its implementing regulations. This becomes blurred when connected with the sound of Article 33 section (3) and Article 28H section (4) of the 1945 Constitution of the Republic of Indonesia. Article 33 section (3) The 1945 Constitution of the Republic of Indonesia states: "earth, water and the natural wealth contained therein is controlled by the State and used for the greatest prosperity of the people ", and Article 28H section (4) of the 1945 Constitution of the Republic of Indonesia, which states: " everyone has the right to own private property and ownership rights cannot be taken over arbitrarily by anyone ".

In this case, it is necessary to clarify what is meant by "space and land boundaries" by the applicable regulations and also not get any attention at all in the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest. The repressiveness of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, is also seen in Article 41 section (2) and section (3) of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, stating that the rightful party must submit proof of ownership or ownership which is the only legal evidence that cannot be contested in the future. This sentence "can not be contested later" is contrary to the legal fact that is currently taking place in Indonesia, in this case Article 19 section (2) letter c UUPA which confirms the proof of rights as a strong evidence, in this case not yet as an absolute proof. Evidence of land ownership in Indonesia which is already in the form of a Land Rights Certificate at any time or in the future can still be contested.

Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest and Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, has set a time limit for each stage of land acquisition. However, there are still deficiencies in this regulation, namely that sanctions have not been set in terms of the time limit for each stage that is not exceeded.

2. Excess of Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest

Behind the repressive nature of the Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest as well as the Presidential Regulation of the Republic of Indonesia Number 71 of 2012 concerning Implementation of Land Procurement for Public Interest Development, as an implementing regulation, it cannot be denied that there are improvements and advantages which is significant from the previous regulation, namely the Republic of Indonesia Presidential Regulation Number 65 of 2006 concerning Land Procurement for Implementation of Development in the Public Interest. For example, the provision of Article 35 of the Republic of Indonesia Republic of Indonesia Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, which states that in the case of certain land parcels affected by Land Acquisition, there are residuals that can no longer be used in accordance with their allotment and use. has the right to request full replacement of the land. The sound of this article has never appeared in the previous regulation. This article appears in order to realize fair land procurement. After determining the location of the construction, the right party can only transfer the rights to the land to the Agency that needs land through the Land Agency. This is to avoid "brokers" and land speculators, this limitation has never appeared in the previous legislation. In addition, in the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest as well as the Republic of Indonesia Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, it has been set regarding the period of clear land acquisition from the start planning stages, preparation stages, implementation stages, up to the delivery of results, including the parties who play a role in each stage. This regulation also regulates the duration of each stage in the process of land acquisition for development in the public interest. Actually the time limit has also been regulated in the Republic of Indonesia Presidential Regulation Number 65 of 2006 concerning Land Procurement for the Implementation of Development in the Public Interest, but in the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest as well as the Republic of Indonesia Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, has clearly regulated the total duration of the implementation of land acquisition for the public interest at the maximum (maximum) 583 days.

Based on the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest as well as the Republic of Indonesia Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, it is also stipulated the necessity of agencies that need land for development in the public interest in order to prepare procurement planning documents soil. Therefore, the purpose of the development plan must be mentioned, in accordance with the Regional Spatial Plan (RTRW), the location of the land, the area of land needed, general description of land status, and estimated land value. Then it is then submitted to the Governor which covers the area where the land is located. Furthermore, this regulation also deals with the regulation of compensation, transfer of land rights, and others. In addition, there are arrangements regarding the refusal of those who have the right to compensate for the land and land disputes in the court. Regarding the regulation of land acquisition funding sources, including small-scale land acquisition as well as land acquisition for the construction of oil, gas and geothermal infrastructure, it is also not regulated in it.

III. CONCLUSION

The most important thing about the activities or legal actions of land acquisition for development purposes must be based on the constitutional basis of Article 33 section (3) of the 1945 Constitution of the Republic of Indonesia, states: "the earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people ", as well as Article 28H section (4) of the 1945 Constitution of the Republic of Indonesia, which states: "every person has the right to own private property and the ownership rights should not be taken arbitrarily by anyone". Judging from the constitutional basis of Article 28H section (4) of the 1945 Constitution of the Republic of Indonesia, the legal acts of land acquisition whether carried out for the benefit of the government on behalf of the state with a motive for the public interest, especially for private interests must respect the rights of individuals. Respect for individual or individual rights to land must be respected by the state, especially to citizens whose assets or property are only a piece of land. The presence of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, along with its implementing regulations, namely the Presidential Regulation of the Republic of Indonesia Number 71 of 2012 concerning Implementation of Land Procurement for Development in the Public Interest, stipulated to guarantee the acquisition of land for the implementation of development by prioritizing the principle humanitarian, democratic and just as mandated in the principles of Pancasila, namely the second principle, namely: "just and civilized humanity"; fourth precept, namely: "the people who are led by wisdom of wisdom in deliberation; and the

fifth principle, namely: "social justice for all Indonesian people". Pancasila is used as the philosophical basis for the preparation of the Republic of Indonesia Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest, and can provide solutions to fundamental problems in the land acquisition process that have not been regulated before, even though the implementation still exists. several provisions that are considered repressive by some elements of society.

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