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**LEGAL POLICY FOR SETTLEMENT OF COMPENSATION FOR LAND PROCUREMENT FOR PUBLIC INTERESTS (NGEMPLAK TOLL ROAD)**

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**ABSTRACT**

This study aims to determine the legal policy of settlement of compensation for land acquisition for the public interest on the Ngemplak toll road. This research is a type of descriptive research. The approach method used in this study uses an empirical juridical approach. This research was conducted at the Village Office of Donohudan Village. The data used in this study consisted of primary data and secondary data. Primary data in this study were obtained directly from interviews conducted with a number of informants consisting of the community and the government of Donohudan Village. Secondary data in this study consisted of primary legal materials, secondary legal materials and tertiary legal materials. The results of this study found that one of the problems faced in completing compensation for land acquisition for the public interest on the Nmplak toll road is the lack of public understanding of the procedure or mechanism for compensation for land in the public interest, where there are some people who determine prices according to their own wishes without pay attention to the compensation procedure or mechanism implemented. Then, the legal policy related to the settlement of compensation for land acquisition for the public interest on the Ngemplak toll road is carried out through outreach to the community. After the socialization process was completed, the committee made a submission to the Regent. Then the Regent decides on replacement land or land or the amount of replacement money. However, if there are still residents who have not accepted the amount of replacement money proposed, the steps taken are to submit a request to the Regent for joint deliberation.

Key Words: Legal Policy, Compensation, Toll roads.

**INTRODUCTION**

The Unitary State of the Republic of Indonesia or NKRI is a country based on and based on law where there are 5 principles of Indonesian law which are also the basis of the Republic of Indonesia, namely Pancasila. Pancasila itself has 5 legal principles that remain binding, including the principle of divinity, the principle of humanity, the principle of oneness and unity, the principle of democracy, and the principle of social justice. Therefore, as a country with strong legal foundations and principles, the government is obliged to guarantee justice for every citizen.

To fulfill its role as a rule of law, Indonesia must ensure that the economic, social, cultural, legal, educational and political interests of its citizens are protected. Therefore, the welfare of the people and their central-substantial position must be guaranteed, so paragraph (3) of Article 33 of the 1945 Constitution was drafted, which reads:

"The water and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people."

The article means that the earth and water and the natural resources contained therein are controlled by the state, and used for the greatest prosperity of the people. Therefore, if at any time the country needs it, it must return to the state, whose aim is to return to the prosperity of the people.

In realizing people's prosperity, some of the government's efforts to overcome this matter by providing the greatest possible impact are equal development in the territory of the unitary state of the Republic of Indonesia. The equitable distribution of development referred to is stated in the 2020-2024

National Medium Term Development Plan (RPJMN), one of the targets of which is increasing regional connectivity with sub-point lengths of new toll roads being built and/or operational with a 2019 baseline of 1461km and a target for 2024 of 2000km.

The construction of toll roads itself is one of the targets in Presidential Regulation Number 18 of 2020 concerning the National Medium Term Development Plan for 2020-2024. The most important scope in toll road construction and which must be resolved before construction occurs is the issue of land availability or agrarian scope. Land is a natural resource created by God where the legal concept attached to it is the regulation of land in various aspects. According to Article 4 Paragraph (1) of the Basic Agrarian Law, "it is determined that there are various rights to the surface of the earth, called land, which can be granted and owned by other people and legal entities on the basis of the right to control the state as intended in Article 2."

Land in a legal approach can be interpreted as the surface of the earth apart from the matter regarding land rights, however, it is an exclusive right to a limited area of the planet, having two dimensions in terms of length and width. Land rights according to the Basic Agrarian Law are divided into 2 categories, the first category is permanent land rights, including property rights, business use rights, building use rights and use rights, while the rights category on land that are temporary in nature are lien rights, profit sharing business rights, rental rights on agricultural land, and rights Based on land ownership cases listed in land rights, there are also those that regulate the transfer of land rights. The Basic Agrarian Law contains an explanation that land ownership rights can be transferred or transferred.

Business Use Rights (HGU) and Building Use Rights (HGB) can be transferred and transferred. What is meant by "transfer" is the transfer of land rights from a person or legal entity to another person or legal entity as a result of a legal event, such as the transfer of land rights from an heir to his heirs. Land that has been legally sold, exchanged, gifted, or otherwise transferred to a new owner is said to have been "transferred." According to this definition, the transfer of land rights is a process in which a legal subject transfers its land rights to another legal subject as a result of a legal event or legal action.

The UUPA and its implementing regulations explicitly pay attention to land as the main source of law, while the unwritten land law provisions are based on customary law regarding land and jurisprudence regarding land.

The term "Land Acquisition for Development in the Public Interest" is one of the government's legal options for confiscating private property for use in building public works. As regulated in the Republic of Indonesia Government Regulation Number 19 of 2021 Land Procurement for Development in the Public Interest, a document that explains how the government can legally confiscate private property for the purposes of developing public infrastructure in exchange for fair compensation.

Acquisition of land for development in the public interest can be carried out by handing over/release which is preceded by the provision of compensation. According to the Minister of Home Affairs' decision, land acquisition is now more often called acquisition, while the meaning of "land acquisition" remains unchanged. according to the Ministry of Home Affairs Decree Number BA. 12/108/1275 is any change that seeks to compensate landowners and authorities to end their current legal relationship and free everyone's hands to do whatever they want with the land.

Based on the Government Regulation of the Republic of Indonesia Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest, it is explained that the form of compensation can be in the form of:

- a. Money
- b. Replacement land
- c. Resettlement
- d. Share ownership, or
- e. Other forms agreed to by both parties

Land Acquisition for Public Use with an Area of Less Than One Hectare according to Regulation of the Head of the National Land Agency Number 3 of 2007 Article 59 paragraph:

- (1) The method and/or amount of compensation for land acquisition is decided after deliberation between the government agency that needs the land and the owner.
- (2) NJOP or real/actual value from the current year can help guide the discussion mentioned in (1), depending on the circumstances.

In practice, the land price/compensation money must be based on the basic price or NJOP itself. Meanwhile, the definition of local general price is the land price that occurs generally in the context of land transactions. Local or market pricing can be thought of as the sum of individual sales prices over a period of time; however, prices in certain neighborhoods or parts of town can fluctuate depending on factors such as the quality of the land there. local residents, in general, conduct a survey of retail prices for the current year.

Settlement of compensation for land acquisition for public purposes must be carried out in accordance with the mandate of law and reinforced by presidential regulations. This research focuses on resolving the problem of compensation for land acquisition for public purposes, in this case those affected by the construction of the Ngemplak toll road, which must be based on justice and the 1945 constitution..

### RESEARCH METHODS

This research is a type of descriptive research. The approach method used in this research uses an empirical juridical approach. This research was conducted at the Donohudan Village Subdistrict Office, Ngemplak District, Boyolali Regency. The reason the researcher chose the sub-district office as the research location was because the location suited the research problem to help the authors organize their data collection and search efforts. Primary and secondary sources were used to collect data for this analysis. Primary data in this research was obtained directly from interviews conducted with a number of informants consisting of the community and government Donohudan Village, Ngemplak District, Boyolali Regency. Secondary data, or information that has been compiled. The research's secondary data comes from three types of legal sources: primary, secondary, and tertiary. The main legal sources consulted for this analysis are as follows:

- 1) Agaria Basic Law Number 5 of 1995
- 2) Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles.
- 3) Regulation of the Head of the National Land Agency Number 3 of 2007
- 4) Presidential Regulation Number 18 of 2020 concerning the National Medium Term Development Plan for 2020-2024.
- 5) Republic of Indonesia Government Regulation Number 19 of 2021 concerning Implementation of Land Acquisition for Development in the Public Interest

Secondary legal materials for this research include a wide variety of books written by subject matter specialists, as well as results from relevant studies, seminars, and other scholarly endeavors. Tertiary legal resources such as dictionaries, encyclopedias, foreign language dictionaries, and legal dictionaries were used to compile the data for this research. This study uses a mixed methods approach to data collection, including fieldwork and literature review, and qualitative analysis that focuses on inferential and deductive processes to draw conclusions about the nature of relationships between phenomena, using scientific logic.

### RESULTS AND DISCUSSION

#### 1) Results

The government has the authority to acquire land for the purpose of developing it for the public interest, which includes facilitating the construction of new infrastructure. The government has the authority to confiscate land for the purposes of building new infrastructure projects through a mechanism for providing adequate and fair compensation, which is outlined in Government

Regulation of the Republic of Indonesia Number 19 of 2021 concerning Implementation of Land Acquisition for Development in the Public Interest. Based on the research results, it is known that the legal policy for resolving compensation for land acquisition for public purposes on the Nemplak toll road is as follows:

a) Problems of Settlement of Compensation for Land Acquisition for Public Use on the Ngemplak toll road

Based on the research results, it is known that Donohudan Village, Ngemplak District, Boyolali Regency is one of the areas affected by the Solo-Kartosono toll project, where the area affected by the project is currently 1,700 M2. The challenges in resolving replacement disputes based on losses in land acquisition efforts on the Ngemplak toll road are as follows:

"When it comes to the obstacles or problems themselves, sometimes there are people who are rigid, so not all people understand the purpose and procedures for resolving land compensation, there are even residents who decide to insist, ask for this price, if they don't want it, that's it, even though that's right. We also can't do whatever we want, there are rules..." (Rohmadi, 46 years old).

Based on the results of an interview with Rohmadi (46 years old) as village head in Donohudan Village, Ngemplak District, Boyolali Regency, he explained that one of the problems faced in resolving compensation for land acquisition for public use on the Ngemplak toll road was the lack of public understanding regarding procedure or land compensation mechanisms for public purposes, where there are some people who determine the price according to their own wishes without paying attention to the compensation procedures or mechanisms implemented. This is supported by the results of an interview with Arif (47 years old) as a village resident in Sindon Village, Ngemplak District, Boyolali Regency who explained as follows:

"In the past during the negotiation process, there were some residents who still had not accepted it, so they were still asking for compensation money at very high prices, because they were comparing the prices offered there and in other areas, so for example there was that much, but here it was like that. ." (Arif, 47 years old)

Arif (47 years old), one of the residents in Donohudan Village, Ngemplak District, Boyolali Regency, revealed that one of the problems faced in the process of resolving compensation for land acquisition for public use on the Ngemplak toll road was that there were several residents who were still stodgy in the process of negotiating money. land compensation, where there are several residents who compare the compensation price offered with compensation prices in other areas. Based on the research results, it is also known that the solution taken to overcome the problem of resolving compensation for land acquisition for public purposes on the Ngemplak toll road is as follows:

"For the solution itself, first we carry out outreach to the community, so we provide an understanding regarding the mechanism for determining the amount of compensation money. If there are still those who have not received it, we usually negotiate again, provide a good explanation..." (Rohmadi, 46 years old).

Based on the results of an interview with Rohmadi (46 years old) as village head in Donohudan Village, Ngemplak District, Boyolali Regency, he explained that one of the solutions taken to overcome the problem of resolving compensation for land acquisition for public purposes on the Ngemplak toll road, is through a deliberation process, where The land procurement committee for the construction of the toll road provided the public with an understanding of the mechanism for determining the amount of compensation money. Then, if there are still residents who have not accepted it, they will renegotiate and provide a good explanation to the people who own the land.

b) Legal Policy Regarding Settlement of Compensation for Land Acquisition for Public Interest on the Ngemplak toll road

Based on the research results, it is known that the process of resolving compensation for land acquisition for public purposes on the Ngemplak toll road is carried out through several mechanisms, including the following:

"First, we carry out outreach to the public. After socializing, we will receive submission data, right? "Mr Niki Bid". Then the committee makes a decision or chooses or submits (to the regent), deciding on the land or replacement land. The replacement land that was agreed upon must of course be completed with data checks, data validation, checks or re-measures on the land like that, then we will submit it to the regent or governor, so how big is the land, its size, what are its boundaries..." (Rohmadi, 46 years old).

Rohmadi (46 years old) as village head in Donohudan Village, Ngemplak District, Boyolali Regency explained that in its implementation, the mechanism for resolving compensation for land acquisition for public use on the Ngemplak toll road was carried out through an outreach process to the community. After the socialization process was completed, the committee made a submission to the Regent. Then the Regent decides on the replacement land or land or the amount of replacement money. After this process, the agreed replacement land is subject to data checking, data validation and repeated measurements. Then after that it will be submitted to the regent or governor regarding its size and boundaries." (Rohmadi, 46 years old).

Apart from that, through interviews it was discovered that in resolving compensation claims for land acquisition for public purposes on the Ngemplak toll road, if there were people who did not accept the amount of compensation money given, the legal policy implemented was as follows:

*"Yes, that's it, first we carry out outreach to the community, so we provide understanding to the community, but if there are still people who haven't accepted it, then we will ask why they don't want it, then later we will submit it to the Regent to discuss together."*(Rohmadi, 46 years old).

Based on the results of an interview with Rohmadi (46 years old) as village head in Donohudan Village, Ngemplak District, Boyolali Regency, it is known that in its implementation, if there are people who do not accept the amount of compensation money given, the legal policy implemented is to carry out socialization, where the committee Procurement of land for the construction of toll roads provides understanding to the public regarding the mechanism for determining the amount of compensation money. Then, if there are still residents who have not received the amount of replacement money proposed, the step taken is to submit a request to the Regent for joint deliberation.

## 2) Discussion

The results of this research found that one problem faced in resolving compensation for land acquisition for public purposes on the Nemplak toll road is the lack of public understanding regarding procedures or mechanisms for compensation for land for public purposes, where there are some people who determine the price according to their own wishes without paying attention. procedures or compensation mechanisms implemented. This is because some people compare the compensation prices offered with compensation prices in other areas. Based on Presidential Regulation Number 65 of 2006 Article 15 paragraph (1) concerning the basis used by the government in determining the amount of compensation value, it is explained that "Official New Jersey Price (NJOP) or real/actual value, taking into account the Sales Value of the Tax Object for the current year determined by the land price assessment agency/team selected by the committee; The estimated selling price of the building determined by the regional body responsible for the construction industry; Local agricultural officials provide estimates of the sale price of the crop.

Due to the lack of public awareness to participate in development and lack of knowledge about the meaning of public interest, it is one of the challenges for communities who own land rights to complete compensation for land acquisition for public purposes on toll roads, the social function of

land rights, even though the land acquisition committee has previously provide explanations and counseling regarding this matter. Furthermore, the results of this research also found that in its implementation, the mechanism for resolving compensation for land acquisition for public purposes on the Ngemplak toll road was carried out through an outreach process to the community. After the socialization process was completed, the committee made a submission to the Regent. Then the Regent decides on the replacement land or land or the amount of replacement money. However, if there are still residents who have not received the amount of replacement money proposed, the step taken is to submit a request to the Regent for joint deliberation.

This is in accordance with Presidential Decree No. 36 of 2005, which explains that if the land owner does not agree with the decision of the Land Acquisition Committee regarding appropriate compensation, he can submit an objection to the appropriate regent/mayor, governor or minister of home affairs, stating the reasons for the dispute. and provide supporting documents. If the land owner refuses to accept a settlement offer from the government and the construction site in question cannot be moved, the Regent/Mayor, Governor or Minister of Home Affairs, in accordance with their authority, submits a settlement proposal by revoking land rights. land based on Law no. 20 of 1961. If the parties cannot reach an agreement on the appropriate form and amount of compensation, and if it is not possible to relocate the offending building, then the problem can be resolved by revoking the rights to the land in question. This research strengthens the findings of Hapsari (2016) which shows that there are nine different phases involved in the land acquisition process in Ngawi City for the purpose of building the Solo-Kertosono toll road. namely: Socialization, fixing Route of Way, Measuring details, Inventory of buildings and plants, Announcement of measurement results, Deliberation on prices, Payment of compensation, Release of Rights and Certification

### CONCLUSION

Based on the research results, it can be concluded that one of the problems faced in resolving compensation for land acquisition for public purposes on the Nemplak toll road is the lack of public understanding regarding procedures or mechanisms for compensation for land for public purposes, where there are some people who determine the price according to their wishes. without paying attention to the compensation procedures or mechanisms implemented. Then, the legal policy regarding the settlement of compensation for land acquisition for public purposes on the Ngemplak toll road was carried out through outreach to the community. After the socialization process was completed, the committee made a submission to the Regent. Then the Regent decides on the replacement land or land or the amount of replacement money. However, if there are still residents who have not received the amount of replacement money proposed, the step taken is to submit a request to the Regent for joint deliberation.

The study authors concluded that any government initiative to acquire land for public use must comply with existing laws and regulations. The terms of any compensation arrangement must be mutually beneficial. To prevent a decline in the living standards of landowners, the government must also consider their interests, including their requests and rights.(optional).

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