

## JUSTICE IMPLEMENTATION OF COMPENSATION FOR LAND ACQUISITION BY PUBLIC APPRAISAL SERVICE OFFICE

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### Abstract

The Land Procurement Law only mentions what objects must be taken into account in carrying out an assessment of land, but does not explain in detail the procedure for determining the nominal value of the land. In addition, the Land Procurement Law states that the amount of compensation is determined from the results of the assessment from the appraisal team. The formulation of the problem in this study is how to resolve disputes in land acquisition assessed by KJPP without any comparison for land acquisition in the public interest? and how is the fairness of giving compensation for land acquisition which is assessed by the Public Appraisal Service Office (KJPP)? This research is a normative juridical research with a statutory and case approach. The source of legal materials in this study is secondary data consisting of primary, secondary and tertiary legal materials using library-based legal materials collection techniques. The analysis of legal materials used is systematic interpretation. The theory used in this research is the theory of dispute resolution according to Yahya Harahap and the theory of justice according to John Rawls. The results of the study indicate that the settlement of disputes in land acquisition assessed by KJPP without any comparison for land acquisition in the public interest, namely the party entitled as the owner of the object of land acquisition can file an objection to the local District Court whose jurisdiction covers the location of the object of the Land Procurement within the longest period of time. 14 (fourteen) working days after the deliberation on the determination of Compensation. In addition, an objection to the amount of compensation must be submitted to the two agencies, in this case the agency, namely the Regional Office of the National Land Agency and the Ministry of Public Works and Public Housing of the Republic of Indonesia

**Keywords:** justice, compensation, land acquisition, KJPP.

### INTRODUCTION

According to provision Article 1 point 2 of the Law Number 2 of 2012 concerning Land Procurement for Development for Interest General ( next called the Law on Land Acquisition ) is stated that “ procurement land is activity provide land with method give change decent and fair damages \_ to entitled party . ”

In general, in land acquisition activities, the word proper means giving a fair price to the holder rights . Furthermore, the word " fair " is meant namely as collateral for appropriate and reasonable compensation to the holder right in a land acquisition process so it is appraised can give opportunity and hope to acquire a more decent and proper life .

However in implementation Inappropriate compensation for damages often occurs , so be a source of conflict in a land acquisition process for the sake of development . ever fact there is that the compensation process is often inappropriate and fair to the right holder , p the generated Because the nominal compensation for the release assessed by the Public Appraisal Service Office (KJPP) without any comparison .

it \_ can seen in the Judgment Simalungun District Court Number 83/ Pdt.G /2019/ PN . Sim as it happened Road construction Kisaran Toll Road - Tebing Tinggi Phase I Section of Kuala Tanjung - Tebing Tinggi, Where segment road toll that will built the be on top land owned by Herman and can seen in the example case other i.e. on the Judgment Cibinong District Court Mor number 297/ Pdt.G /2018/ PN . Cbi . Happen release land For development road toll Jorr 2 Cimanggis-Cibitung in the Village area Nagrak , District Mountain Putri, Bogor Regency .

That the deliberations on the determination and determination of compensation are regulated in provisions of Article 34 paragraph (3) of Law no. 2 of 2012 includes deliberations to obtain an agreement regarding forms of compensation and deliberations to obtain agreement regarding the amount of compensation that has been arranged on terms Article 37 paragraph (1) and paragraph (2) of Law no. 2 of 2012 which stipulates that deliberations are held to determine and determine the form or amount of compensation through appraisal results losses as stated in the minutes of the agreement, as well as the provisions in Article 38 paragraph (1) of Law no. 2 of 2012 which is the basis for the Court's authority to decide cases of objections to agreements regarding the form or amount of compensation ;

As for the determination change make a loss in a manner No reasonable that also happened consequence No exists rule governing law \_ in a manner clear related to nominal change make a loss ground . But inside \_ Article 34 paragraph (2) is mentioned that “ The magnitude mark Change Loss based on results evaluation Evaluator as referred to in paragraph (1) is submitted to the Land Agency with news event ”

The Law on Land Acquisition only states what objects must be taken into account when evaluating land, but does not explain in detail the procedure for determining the nominal value of the land. In addition, the Land Acquisition Law states that large change loss is determined from the results of the assessment of the assessment team . Regarding the procedures and working methods of the appraisal team or the appraisal team in determining the nominal value, it is not regulated clearly and in detail by the law on land acquisition, so that in carrying out their duties the Appraisal Team only uses umbrella law that is in the form of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest just . In terms of determining the price, the assessment team conducted an assessment using the community interview method and taking market prices at random so it often shows up dispute between party public with party the government regarding the amount of compensation. Government stick to the price given by the team appraiser , meanwhile public tend stick to the market price of land . On the basis of the things stated above, the problem is how to resolve disputes in land acquisition assessed by KJPP without any comparison for land acquisition in the public interest?

## RESEARCH METHODS

Type research used \_ that is study normative juridical use literature review or secondary data, as well may include primary, secondary and tertiary legal material. Approach research used \_ that is approach philosophical approach, statutory approach, analytical approach, concept approach, and case approach . Source of legal material used is secondary data. Secondary data, namely data obtained from or derived from materials library. The legal material collection technique used in this research is library research . The analysis of the legal materials used is after all legal materials are collected, then processed and analyzed using systematic interpretation techniques.

## RESULTS AND DISCUSSION

As already regulated in the provisions of Article 38 paragraph (1) of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest Jo. Article 75 paragraph (1) Government Regulation Number 19 of 2021 concerning Implementation of Land Procurement for Development in the Public Interest , set that if not reached agreement related to the form and/or amount of compensation that has been offered , then the party who feels entitled to the land can submit an application for objections regarding the form and/or amount of compensation through District Court of the local area within a period of at the latest 14 (fourteen) days after signing the minutes of the results of deliberations between the acquittal committee and the entitled party.

Whereas in the provisions of Article 6 paragraph (1) letter b of the Republic of Indonesia Supreme Court Regulation Number 3 of 2016 concerning Procedures for Submitting Objections and Custody of Compensation to the District Court in Land Procurement for Development for Public Interests, it can be seen that the formal requirements for submitting an objection to the amount of compensation losses must be submitted to both agencies, which can be seen from the formulation of the norms that are cumulative. This means that it is not permissible for only one agency to submit an objection as the Respondent. If this is not fulfilled, then the filing of an objection does not meet the formal requirements as who have regulated in the RI Supreme Court Regulation Number 3 of 2016 concerning Procedures for Submitting Objections and Entrusting Compensation to the District Court in Land Procurement for Development in the Public Interest. That in the Simalungun District Court Decision Number 83/Pdt.G/2019/PN . Sim and Verdict Cibinong District Court Mor number 297/Pdt.G/2018/PN . Cbi ., the two agencies are the Regional Office of the National Land Agency of North Sumatra Province as the Chief Executive Exemption (Respondent for Objection I) and the Ministry of Public Works and Public Housing of the Republic of Indonesia CQ Directorate General of Highways National Road Implementation Center I (Respondent for Objection II) as a government agency that requires land for the construction of the Kisaran Tebing Tinggi Toll Road Phase I Section Kuala Tanjung- Tebing Tinggi in Bandar Tinggi Village, Bandar Masilam District, Simalungun Regency, North Sumatra Province was submitted as a party in this case, so the objection in this case fulfills the formality requirements that have been regulated in the RI Supreme Court Regulation Number 3 of 2016 concerning Procedures for Submitting Objections and Entrusting Compensation to the District Court in Land Procurement for Development in the Public Interest.

Furthermore, regarding the deadline for filing objections as stipulated in Article 38 paragraph (1) of Law Number 2 of 2012 Jo. Article 75 paragraph (1) Government Regulation Number 19 of 2021 concerning Implementation of Land Procurement for Development in the Public Interest Jo. Article 5 Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2016. In this case the Petitioner argues that the Petitioner does not have any documents in the form of " Minutes of the Results of the Deliberation on the Determination of Compensation " , even though it is clearly stipulated that the time limit for submitting an Objection Application must be counted from the time the Petitioner has the documents form Minutes of the Results of the Deliberation on the Determination of Compensation. Regarding is determined in Article 6 letter (e) point 2 of the Supreme Court Regulation of the Republic of Indonesia Number 3 of 2016 concerning Procedures for Submitting Objections and Custody of Compensation to the District Court in Land Procurement for Development for Public Interests that: "The explanation for filing objections is still within the grace period. within 14 (fourteen) days after the result of the Deliberation on the Determination of Compensation in the case of the Applicant submitting the case objection to having documents in the form of Minutes of the Results of the Deliberation on the Determination of Compensation". In the event that this

Objection is filed, the Minutes of the Results of the Deliberation on the Determination of Compensation is not owned by the Petitioner.

Because it can be seen legally, the deliberation is not in accordance with the law so that against the Petitioner's Objection this is not a deliberation that can bind him in accordance with the calculation of the term within 14 (fourteen) days from the determination of the results of the deliberations. So that it can be said that the Petitioner objected to fulfilling the grace period referred to in the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2016 concerning Procedures for Submitting Objections and Custody of Compensation to the District Court in Land Procurement for Development in the Public Interest.

## CONCLUSION

Settlement of disputes in land acquisition assessed by KJPP without any comparison for acquisition in the interest of development that is interested parties \_ have rights as the owner of the land acquisition object can file an objection through the local District Court whose legal domicile covers the location of the object of acquisition with period no later than 14 (fourteen) working days after the decision meeting is determined and determined . In addition, filing objections to the amount of compensation must be submitted to both agencies, in case these agencies are the Regional Office of the National Land Agency and the Ministry of Public Works and Public Housing of the Republic of Indonesia. If only one of the agencies is submitted as the Respondent for objections, then the filing of objections does not meet the formal requirements.

## SUGGESTION

The government as the organizer of the release land should be in carrying out the acquisition the land does not determine the amount of the related compensation value with inherent rights \_ on land with method unilateral of course , because such things can be detrimental to society, but the government must respect all party interested parties who have right related with liberated land \_ the through gift change make a loss loss that is not detrimental to parties related and interested .

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