

## Implementation of Land Procurement for Public Interest: Study Construction Bridge in Palu City

Dewi Kemala Sari<sup>1\*</sup>

Article	Abstract
<p><b>Keywords:</b> Land Procurement; Public Interest; Construction Bridge; Palu City</p> <p><b>Article History</b> Received: Apr 06, 2023; Reviewed: Apr 27, 2023; Accepted: May 11, 2023; Published: May 15, 2023;</p>	<p>The issue of land acquisition for the public interest has always caused polemics. Every land acquisition activity for development always triggers dissatisfaction and helplessness in the people affected by the development project. A new legal problem in implementing land acquisition for the construction of the Lalove Bridge in Palu City is the suspicion of corruption cases in land acquisition activities involving authorized officials and landowners. Based on this description, the problem formulation that becomes the focus of this research is the problem of alleged corruption cases in implementing land acquisition in Palu City. This research uses empirical juridical research methods, namely analysis obtained from experience, observations based on field data and information obtained from direct interviews with various sources and agencies related to this research. The alleged corruption of land acquisition for the construction of Palu's Lalove Bridge implies that new problems in the implementation of land acquisition for development in the public interest are very prone to taking advantage, and there can also be a misappropriation of positions of elements of the relevant agencies.</p>



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### Introduction

The government has the authority to control and utilize all-natural wealth as stipulated in Article 33 paragraph (3) of the 1945 Indonesian Constitution and the National Land Law Basic Agrarian Law Number 5 of 1960, namely for the maximum prosperity of the Indonesian people. Giving birth to the state's right to control over land gives authority to the State, among other things, to regulate and administer the allotment, use, supply, and maintenance of earth, water, and space (Rachman, 2016).

<sup>1</sup> Faculty of Law, Tadulako University, Indonesia

\* **Correspondence:** Dewi Kemala Sari, Faculty of Law, Tadulako University, St. Soekarno Hatta No. 9, Tondo, District Palu Tim, City of Palu, Central Sulawesi, 94148, Indonesia. E-mail: [dewikemalasari@untad.ac.id](mailto:dewikemalasari@untad.ac.id)

Land in Indonesian society has economic value and welfare and concerns social, political, cultural, physical, and psychological issues and even other aspects such as legal and land. Problem-solving in land acquisition requires an integrated approach that includes economic, welfare, political, legal, and other approaches (Prabandari, et.al., 2021).

Through this right to control from the state, the state as the ruling body will be able to always control or direct the management of the functions of the earth, water, and space and the natural resources contained therein following existing regulations and policies, namely within the scope of juridical control with a public aspect. The position of the nation's rights to land is the highest and is the parent of the rights that exist in national land law as stipulated in Article 1 of the Basic Agrarian Law Number 5 of 1960 (Bustomi, 2018).

The state's right to control is explained in that the state does not act as the "owner" of the land; the state is the ruling body. The state provides land for the needs of society and the state. One way to provide land is by revoking land rights by providing appropriate compensation following the laws and regulations that govern it (Bakri, 2011). Revocation of land rights as a legal basis Government Regulation Number 20 of 1961 concerning the Revocation of Land Rights Objects is the last resort made by the government to acquire land if deliberations with land rights holders are considered a failure while the land is needed for development activities in the public interest, and the location of the construction cannot be moved to another place. Because land acquisition by the government prioritizes deliberation with land rights holders, it follows the concept of the state's right to control (Sumardjono, 2015).

Land acquisition releases land rights that aim for the public interest and is accompanied by compensation. What is meant by public interest is the need for many people based on public interests and broad social goals. Land acquisition for development in the public interest is a manifestation of the social function of land rights, which is seen as the first step in the implementation of development to improve the community's welfare (Shofi, Subekti, 2022).

The issue of land acquisition for the public interest always needs to be solved. On the one hand, the state guarantees the legal ownership of land rights holders as mandated by the 1945 Constitution Indonesia and the Basic Agrarian Law Number 5 of 1960. However, on the other hand, the executor of state power, namely the government, also carries out the obligation to carry out development which must sacrifice individual

interests (Wibowo, Pujiwati., 2021). In the Basic Agrarian Law Number 5 of 1960, a person's land rights as the holder of land rights are not allowed to be used only for personal gain because each land has a social function (see Article 6 of the Basic Agrarian Law Number 5 of 1960). What is meant by "social function" is defined as having a public interest, which is very important compared to the individual interests of the land owner. Adrian Sutedi argues, the most crucial issue that is most debated is interpreting the meaning of the public interest. As with lawsuits against the concept of compensation and deliberation, the concept of public interest is also accused of having fundamental weaknesses due to a setback from the previous concept (Sutendi, 2009).

The problem faced by the government in carrying out development is the problem of providing land for the benefit of development itself, because the state land directly controlled by the state is limited or can be said to be almost non-existent. The only way that can be taken is by freeing up land owned by the people, both those controlled by customary law, as well as other rights attached to it (Dikson et.al., 2014).

The legal relationship between land and the state is a relationship of control; this relationship applies outward and inward to the territory of the Republic of Indonesia. Outward relations are called the concept of legal relations in the legal protection of the sovereignty of the territory of the Republic of Indonesia. While inward, it is called the concept of legal relations in protecting individual rights to land and administrative, legal relations to regulate, manage, and supervise land rights belonging to individual Indonesians (Bustomi, 2018).

The implementation of land acquisition for the public interest has always caused polemics. On the one hand, the state guarantees individual legal ownership of land as mandated by the 1945 Constitution Indonesia and Basic Agrarian Law Number 5 of 1960; on the other hand, the executor of state power, namely the government, is obliged to carry out the physical infrastructure development agenda which often has to sacrifice the value of individual interests (Bening, Rafiqi, 2022). Any land rights a person has cannot be justified solely for his or her interests, especially if it causes harm to the community. The public interest, which derives from the social function of land, is no less important than the individual owner's interest, which derives from the function of land. In that sense, in times of need in the public interest, individual interests can be compromised, even overridden, and property rights to land must be relinquished (Henry Supit, et.al., 2021).

From the regulatory system, considered inadequate, to the implementation by the apparatus, which is often colored by interest bias, this has finally fostered public prejudice that never goes away. The issue of system readiness is fundamental because it needs to be more detailed and precise, and the lack of firm land acquisition regulations has the potential to facilitate habituation in the field (Sutendi, 2009).

One of the land acquisition activities that have been carried out by the Regional Government of Palu City, namely the Construction of Bridge V or also called the Lalove Bridge, was built by PT. Bumi Duta Persada, which the government of Palu City funded for the 2019 Fiscal Year with a contract worth 43 billion. The bridge, with a length of 100 meters, is the link between the two West and East regions of Palu City, which stretches over the Palu River and connects Nunu Sub-District and Tatura Sub-District (Wahyudi, 2020), for the people of Palu City apart from being a public facility in terms of transportation, the construction of the Lalove Bridge is also a community tourism magnet, like exercising or gathering with family to enjoy the afternoon. Hidayat, as Mayor of Palu at that time, said "With the construction of this bridge, it can break down traffic jams and provide peace for the community" (Alihana, 2020).

However, in reality, apart from being able to provide benefits to residents, there were new legal problems in the implementation of land acquisition for the construction of the Lalove Bridge in Palu City; namely, there were allegations of corruption cases in land acquisition activities which involved unscrupulous officials and also landowners. Seeing the description above, the formulation of the problem which is the focus of this research, is the problem of alleged corruption cases in implementing land acquisition in Palu City.

This research aims to illustrate that the problems that occur in the field of land acquisition activities for the public interest are not only related to the issue of the amount of compensation and the type of public interest itself, but there are new problems where the elements of the relevant agencies can commit criminal acts of corruption that work together to benefit from the land acquisition activities. In the research, the author also provides facts based on the results of direct interviews with relevant parties. This problem is considered a new problem for land acquisition activities for the public interest, which can harm other interests and the state. Similar studies that have been conducted before include. First, research conducted by Shelin Nabila Wibowo (2021) focuses on compensation for land acquisition on the Cisumdawu Toll Road; second, research conducted by Luh Nyoman Diah Sri (2021) focuses on the mechanism for

providing compensation by the government, third, Frengky's research (2020) focuses on resolving land acquisition disputes for road construction for the public interest through litigation and non-litigation. From several similar writings, the author can provide a new understanding of the issues of problems in society related to land acquisition activities that have not existed before, especially in the implementation of land acquisition for the public interest for the construction of the Lalove bridge in Palu City.

## Method

The approach method used in this research is an empirical juridical approach where research obtained from experience, observations based on field data, and information obtained from direct interviews with various sources and agencies related to this research. It consists of primary data sources sourced from direct interviews from field research originating from sources to the National Land Agency of Palu City, Nunu Village Office, Tatura Selatan Village, Tatanga Sub-District Office, and the Office of Spatial Planning and Land of Palu City and secondary data sources from primary legal materials in the form of laws and regulations and secondary legal materials in the form of books and other important documents. Interviews and literature studies carry out primary data collection techniques. In contrast, the analysis techniques used in this research use qualitative data analysis techniques ranging from data reduction and presentation to conclusion drawing.

## Discussion

### 1. Implementation of Land Acquisition for Public Interest

Land acquisition is an act of the government to acquire land for various development purposes, especially for the public interest. In principle, land acquisition is made through deliberation between parties who need land and holders of land rights whose land is required for development activities. This shows that the land acquisition process is complex because it is directly related to the rights of certain parties (communities) to land (Lestari, 2020).

The tendency to look at land more for its economic value alone, namely land as merchandise, which is easily controlled by those who have excess capital and results in unequal distribution of land tenure due to differences in access, is not following the spirit of the Basic Agrarian Law Number 5 of 1960 (Sumardjono, 2009). The land is a gift from God Almighty (Article 1 of the Basic Agrarian Law Number 5 of 1960).

Relinquishing rights is terminating legal relations with the entitled party in the Land Acquisition process. The government's land acquisition policy is related to land acquisition in the public interest. The land taken from community members is intended for development purposes. The community has relinquished these rights, so there is no longer a legal relationship with the owner. The purpose of land acquisition for public purposes is regulated in Article 3 of Law Number 2 of 2012, namely providing land for the implementation of development to improve the welfare and prosperity of the nation, state, and society while still guaranteeing the legal interests of the entitled party.

The public interest is the interest of the nation, state, and society, which must be realized by the government and used as much as possible for the prosperity of the people (Wibowo, 20222). What must be emphasized and implemented in land processing for the public interest are the principles of land acquisition for development implementation, namely: 1) certainty over the implementation of the development process for the public interest, not for the private sector or business, 2) public openness in the development process to the public interest, 3) respect for land rights, 4) justice for those who surrender or relinquish land rights for the public interest. Regarding the fourth principle, any acquisition of land for public purposes in the implementation of development must provide a basis for preparing a certainty schedule for the restoration of rights, compensation, and so on, as well as the completion of a more measurable public interest development. In addition, it also provides a basis for the stages of work procedures that must be carried out (Sutendi, 2009).

According to Law Number 5 of 1960 concerning Basic Agrarian Law, the implementation of land acquisition for public purposes is regulated in Article 18, which states that in the public interest, including the common interests of the people, land rights are revoked, by giving compensation appropriately and according to the method regulated by law (Herlindah, 2017).

This represents Article 6 of the Basic Agrarian Law Number 5 of 1960, which states that all land rights have a social function. The application of the emergence of the notion of social function is a reaction to the absolute and formalistic application and use of property rights (Zakie, 2016). The Basic Agrarian Law Number 5 of 1960 stems from the establishment to achieve the objectives specified in Article 33 paragraph (3) of the 1945 Indonesia Constitution Indonesia, "Earth, water and space including the natural wealth contained in controlled by the State and used for the maximum prosperity of the people". The contents of the article states that the State does not act as the owner of the



land, the State as the highest authority organization of all the people (nation) acts as the governing body. The state has the authority, namely:

1. Arrange and administer its allocation, use, supply, and maintenance;
2. determine and regulate the rights owned over (part of) the earth, water, and space;
3. determine and regulate legal relations between people and legal actions concerning the earth, water, and space.

The state's authority originates from the right to control natural resources. The state is solely "public in nature," namely the authority to physically control land and use the land as the authority of holders of land rights, which are "private in nature." The term "private," according to Boedi Harsono in his book *Indonesian Agrarian Law History of the Formation of the Basic Agrarian Law Number 5 of 1960*, is content and implementation, states that the personal nature of individual rights indicates to the holder of the right to use the land in question for the benefit of and in fulfilling personal and family needs (Harsono, 2003). When granting rights to land or other rights, the state may not violate individual rights to land and the rights of customary law communities to their customary land to be given back to other legal subjects for any reason, except under legal provisions or according to law, namely by way of revocation of land rights. The state granting land to legal subjects should only be limited to land not attached to or owned by a particular land right.

The principle of the social function of land rights implies that whatever land rights a person has, it cannot be justified that the land is used (or not used) solely for his interests, especially if it causes harm to the community. The use of land must be adapted to the circumstances and nature of the right to benefit the welfare and happiness of the owner, the community, and the state. In that context, the provision does not mean that the public interest and the interests of the community will completely suppress individual interests (Rejekiingsih, 2016).

The implementation of the social function of land in the release of land rights should go through a feasibility study which is the implementation of the Job Creation Law and Government Regulation Number 19 of 2021 (Rahman, et.al., 2022). The agreement in determining the location, time, and process of implementing land acquisition through the mechanism of releasing rights, the role of the appraiser in determining compensation, and the rights and obligations of the parties must be carried out properly. An in-depth study must be carried out if there are objections so that there

is no tension in it, which in the end obscures the social function of the land itself.

The purpose of implementing land acquisition in this law is that Land Procurement for Public Interest aims to provide land for the implementation of development to improve the welfare and prosperity of the nation, state, and society while still guaranteeing the legal interests of the entitled parties. The government is the party that organizes land acquisition, then the implementation of land acquisition for public purposes must follow the regional spatial layout plan; b. National/Regional Development Plans; c. The strategic plan; and d. work plan of each agency that requires land. Land Acquisition for Public Interest involves planning involving all administrators and stakeholders. Implementation must pay attention to the balance between the interests of development and the interests of the community as land owners. Each land right holder or land owner is given compensation to reach an agreement on releasing land.

This year, the Government issued Law Number 11 of 2021 Concerning Job Creation. In the Job Creation Law, there are changes to several articles of Law Number 2 of 2012 and the issuance of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest.

Government Regulation Number 19 of 2021, Concerning the Implementation of Land Procurement for Development for the Public Interest, regulates the types of public interest for development where previously regulated in Law Number 2 of 2021, there were only 18 (eighteen) types of development activities while in the latest Government Regulation There are 24 (twenty-four) types of development activities.

When looking at the formulation of public interest boundaries as stipulated in the legislation, there is no standard formulation regarding the boundaries of public interest. The formulation of public interest boundaries differs from one another. Meanwhile, the fields or scope of development activities for the public interest are similar even though the details of the number of activities differ.

Thus, public interest is a central issue in land acquisition. However, the public interest results from weighing the many interests in society by applying the main interest to the public interest. Practically and concretely, it is ultimately left to the Judge to weigh which interests are more important than other interests in a proportional or balanced manner while respecting other interests (Rohaedi, et.al., 2019).

In addition to the public interest, what often becomes a significant conflict in land acquisition activities, namely compensation. Compensation is proper and fair



compensation to the appropriate party in the Land Acquisition process. In Article 9 Law Number 2 of 2012, it is stated that:

1. Implementing Land Procurement for the public interest considers the balance between the interests of development and the community's interests.
2. Land procurement for public purposes is done by providing proper and fair compensation.

Every land acquisition activity for development always triggers a feeling of dissatisfaction and helplessness for the community whose land rights are affected by the development project. The issue of compensation is a central issue that always occurs. There will be complicated conditions for handling implementing land acquisition by the State or the Government by utilizing community-owned lands.

The definition of Compensation in Government Regulation Number 19 of 2021 states that Compensation is an appropriate and fair compensation to Entitled Parties, managers, and/or users of goods in the Land Acquisition process. Until now, the words "proper" and "fair" cannot be found in the meanings that should be regulated in this Presidential Regulation. The definition of proper compensation is that it can provide better survival than the level of socio-economic life before being hit by land acquisition. The estimated compensation value for land acquisition objects, including land, space above ground and basement, buildings, plants, and objects related to land.

The compensation is carried out by an appraiser based on Article 68 of Government Regulation 19 of 2021, namely the appraiser is tasked with assessing the amount of compensation for land parcels, including: land, Above-ground space and underground space, buildings, plants, objects related to land, and/or, and other losses that can be assessed.

The presence of Regulation in Lieu of Law Number 2 the Year 2022 on Job Creation, several articles in the Land Acquisition Law are amended, namely Article 8, Article 10, Article 14, Article 19, Article 19A, Article 19B, Article 19C, Article 24, Article 28, Article 34, Article 36, Article 40, Article 42, and Article 46. Regarding the determination of the amount of compensation, the government inserted new paragraphs, namely paragraphs (3) and (4) in Article 34 of the Land Acquisition Law to be as follows:

1. The amount of compensation based on the appraisal result of the Appraiser, as referred to in paragraph (1), shall be final and determined by the Government paragraph (1) shall be final and binding.

2. The compensation amount referred to in paragraph (2) shall be used to determine the form of compensation.

That the results of the appraisal from the appraiser as the value at the time of the announcement of the determination of the location of the development location for the public interest is final and binding; furthermore, in paragraph (4), a specification has also been made, which was originally the result of the appraiser's assessment was used as the basis for the deliberation on the determination of compensation, now the result of the appraiser's assessment is the basis for determining the form of compensation.

The substance of the regulation on determining the amount of compensation in the implementing regulations of the Job Creation Law related to Land Acquisition, namely Government Regulation Number 19 of 2021, is also in line with that contained in the Job Creation Law. Article 71 paragraph (2) of Government Regulation Number 19 of 2021 states, "The deliberation as referred to in paragraph (1) is carried out directly to determine the form of compensation based on the results of the compensation assessment as referred to in Article 68 paragraph (1)." It can be seen from the explanation above that the government, through the Job Creation Law, is trying to harmonize the regulations in the Land Acquisition Law with its implementing regulations so that they are mutually sustainable.

However, one thing that needs to be more balanced, namely Article 37 of the Land Acquisition Law, which states that deliberations are carried out to determine the form and/or amount of compensation, is not changed by the Job Creation Law. On the one hand, the assessment results from the appraiser are final and binding. However, on the other hand, deliberation efforts to determine the amount of compensation value are still to be carried out. Although the government has attempted to harmonize and reinforce the arrangements related to determining the amount of compensation between what is stated in the law and its implementing regulations, the substance of these arrangements still needs to be clarified and consistent. This makes the regulation related to determining the amount of compensation for land acquisition for the public interest still causes legal uncertainty.

## **2. Implementation of Land Procurement for Public Interest for the Construction of the Lalove Bridge in Palu City**

The need for the availability of land for development purposes provides an opportunity for land acquisition for various projects, both for the benefit of the state/public interest and for business interests, on a large or small scale. This interest

implies that the ruler usually uses power to suppress weak parties, namely customary law communities as rulers and owners of agrarian/land resources in their customary territories (Matuankotta, 2020).

The implementation of the land acquisition carried out by the Government of Palu City is related to land acquisition carried out by community members in two sub-districts, namely the South Palu sub-district and the Tatanga sub-district, and two sub-districts, namely the Nunu sub-district and Tatura Selatan sub-district. It is fascinating to discuss because, amid the implementation of the construction of the Lalove bridge, there is a complicated problem between the land owner and the city government, in this case, the Palu City Land and Spatial Planning Service as the Executing Party or the Land Acquisition Executing Committee for the construction of the Lalove bridge.

Muhamad Bakri stated that by its nature and, in essence, the state authority that originates from the right to control land by the state is in the hands of the central government (Bakri, 2011). Swatantra regions (now Regional Governments) only have this authority if there is a delegation of authority to exercise the right to control land by the state from the Central Government to the Regional Government (Santoso, 2012). The application and implementation of the legal provisions expressed in Article 2 paragraph (2) in conjunction with Article 6 of the Basic Agrarian Law Number 5 of 1960 are very important to be addressed by the government (central and regional). Addressing the phenomenon in question, especially concerning the availability of certain land parcels due to the increasing government program in the development field for the public interest.

These local governments are normatively entitled and authorized to regulate and manage their local government affairs according to the principles of regional autonomy, especially regarding land acquisition for the implementation of development in the public interest. However, the authority given to each local government and its application must synergize with the central government's program. If so, the existence of local governments cannot be separated from the central government. Such a legal concept is intended so that the development carried out is truly for the benefit of the people, not for the political interests of the local government officials concerned (Djanggih, Salle, 2017).

The construction of the Lalove bridge was based on a Decree by the Mayor of Palu in 2017 and the planning of the spatial planning service, which, according to the informant Drs. Namiruddin from the Spatial Planning Office said the plan for

constructing the Lalove Bridge started in 2016. However, there were many obstacles in implementing land acquisition with the land owner, so there were delays related to the construction of the Lalove Bridge.

The persuasive approach and deliberations were also carried out by the Palu City Government towards land owners, so in 2017, the Palu City Government formed a Land Acquisition Implementation Team and carried out compensation payments for land acquisition by land owners. Mayor's Decree Number 650/721/DPRP II/2017 concerning the Preparation Team for Executing Land Compensation for the Construction of Bridge IV Palu City in 2017, dated 01 November 2017. Furthermore, Mayor's Decree Number 650/717/DPRP II/2017, dated 01 November 2017, Concerning the Task Force for Inventory and Identification of Preparation for Compensation for Land Acquisition for the Public Interest of Palu City in 2017. Of the land area acquired in 2017, it was 13,702 m<sup>2</sup> (thirteen thousand seven hundred and two square meters) for the Nunu sub-district and 1.085 m<sup>2</sup> for the land in the South Taturan sub-district. The number of family heads affected by the land acquisition, namely the Nunu sub-district has 39 (thirty-nine) family heads. In contrast, the South Tatura sub-district has 60 (sixty) family heads. The implementation of land acquisition continues to be carried out by the Land Acquisition Implementation Team, and compensation payments are also paid following the release of rights carried out by the land owner after receiving compensation payments.

Table. 1 The implementation of land acquisition carried out by the Palu City Government from 2017 to 2020.

No	Year	Ward	Land Area (m <sup>2</sup> )	Head of Family
1	2017	Nunu	13,702	60
		South Tatura	1685	39
2	2018	Nunu	10,512	25
		South Tatura	-	21
3	2019	Nunu	3,473	14
		South Tatura	4,076	22
4	2020	Nunu	-	-
		South Tatura	2,446	8

Source: Office of Spatial Planning and Land Affairs of Palu City

The construction of the Bridge V, known as the Lalove Bridge in Palu City in its implementation, has caused many societal problems and conflicts. Even though the people of Palu City have used the Lalove Bridge, it still needs to be solved. Particularly

at the time of land acquisition for residents for widening the Anoa 2 road, there were indications of corruption as an access route for the bridge. Related to this matter is currently being handled by Palu District Attorney (Kejari). The Head of the Palu District Attorney's Office, through the Head of the Special Crimes Section Alfred N Pasande SH, said that his party in the particular criminal section of the Palu Prosecutor's Office had investigated allegations of corruption related to land acquisition for the Anoa II road for the construction of the Palu V bridge. His party carried out more land acquisition, and the appraisal team calculated. The Palu City Government made the payment through the relevant agencies (Alfred, 2020).

The Lalove Bridge was constructed in 2019 after the Land Procurement Implementation Team completed the land acquisition. Land procurement for public purposes must be carried out: a. spatial plan; and b. development priorities listed in 1. medium-term development plan; 2. strategic plan; and/or 3. government/agency work plan that requires land. The construction of Bridge V or Lalove is carried out directly, namely buying and selling, exchanging, or other methods agreed upon between the agency that needs the land and the party entitled to it because the area of land acquired is not more than 5 (five) hectares. In line with Article 126 paragraph (1) of Government Regulation Number 19 of 2021 concerning the Implementation of Land Procurement for Development in the Public Interest, which states that "In the framework of efficiency and effectiveness, Land Procurement for Public Interest with an area of no more than 5 (five) hectares, may be done: a. directly by the Agency Requiring Land with the Entitled Party, by buying and selling, exchanging, or other agreed methods; or b. by using the stages of Land Procurement as referred to in Article 3". exchange, or other agreed ways; or b. by using the stages of Land Procurement as referred to in Article 3". exchange, or other agreed ways; or b. by using the stages of Land Procurement as referred to in Article 3".

The process of paying compensation based on the appraisal results from the Appraiser is a reference for the Land Procurement Executor to hold deliberations with the Entitled Party; the amount of compensation is final and binding, as stipulated in Article 69 Government Regulation 19 of 2021. Deliberations are held after the Chief Procurement Executor Land receives Minutes of Appraisal within 30 (thirty) days accompanied by Appraisers or public appraisers and agencies that require land with the appropriate party, which is done directly. The executor of land acquisition invites the rightful party following the place and time specified, and the discussion carried out in the deliberations is to convey the amount of compensation based on the assessment the

appraiser has carried out.

The issue of compensation is the most important in the land acquisition process. Compensation is the provision of compensation for losses suffered by holders of land rights for the transfer of these rights. Article 1 of Law No. 2 of 2012 states that compensation is a fair and just compensation to the entitled parties in the Land Acquisition process. The determination of the amount of compensation per parcel of land is carried out by the Head of the Land Acquisition Organisation based on the results of the valuation of appraisal services or public appraisers. Parties entitled to compensation are responsible for the truth and validity of the proof of control or ownership submitted. Moreover, for anyone who violates this, criminal sanctions will be imposed in accordance with applicable laws and regulations (Subekti, 2016).

Compensation payments are made in stages following the 2017 to 2020 regional budget, and compensation payments are given in the form of money. They are made in a non-cash manner or by transfer to the account of each entitled party or land owner based on the minutes of the deliberation agreement form and the amount of compensation. Based on the narrative conveyed by Mr. Robby, one of the implementing teams for land acquisition and also an employee at the Palu City Spatial Planning and Land Management Office, "compensation is paid by assessing the value of the plants, buildings on the land, taxes, as well as the waiting period from the landlord. land", so that at the time of land release the waiting period for the land owner is calculated from the time he releases his land until he receives compensation costs from the executor of land acquisition. Because the land owner does not suffer losses, this is also taken into consideration by the Appraiser. Compensation assessed by the Appraiser or Public Appraiser, as stipulated in Article 68, is the value at the time of the announcement of the Determination of the Development Location for the Public Interest by considering the waiting period at the time of payment of Compensation. Regarding the determination of the amount of compensation, the Palu City Government and the Land Acquisition Compensation Implementation Team appoint an Appraiser/Partial Service, which is considered independent, independent and is an institution that has been appointed based on laws and regulations so that it is considered not to take sides with one party or will be easily influenced with an extensive assessment of compensation. Compensation assessed by the Appraiser or Public Appraiser, as stipulated in Article 68, is the value at the time of the announcement of the Determination of the Development Location for the Public Interest by considering the waiting period at the time of payment of



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At the beginning of 2021, after the construction of the Lalove bridge, which became the pride of the residents of the Nunu Sub-District and the South Tatura Sub-District, it turned out to have had an impact with an alleged corruption case by elements implementing land acquisition with one of the land owners on Jalan Anoa. The Attorney General's Office suspects that there was an alleged criminal act in the Lalove Bridge corruption case, for land acquisition activities for the public interest of the Palu Spatial Planning and Land Agency Service, Central Sulawesi, for the 2018 fiscal year, starting with the acquisition of a building on Jalan Anoa II number 4 Palu which was affected by the widening of Jalan Anoa II.

An alleged corruption case caused a state loss of 2.4 billion Rupiah. This follows the results of the calculation of state losses by the Central Sulawesi Provincial Representative for Finance and Development Supervisory Agency auditor. Palu District Attorney Chief, Hartawi said the amount of state money paid to the suspect NN of the land area of 379 m<sup>2</sup> (30m<sup>2</sup>+349m<sup>2</sup>) and building area of 286.25 m<sup>2</sup> amounted to IDR 2.6 billion. Meanwhile, the amount that should have been paid to the suspect, according to the need for widening Jl Anoa with an area of 30 m<sup>2</sup> (2m x 15m), is IDR 142,478,000. Three suspects have been named in this alleged corruption case: DG, a former Budget User (PA) of the Spatial Planning and Land Planning Office; FD, former Spatial Planning and Land Management Service staff; and NN, the land owner.

It is known, article 2 paragraph 1 of the Anti-Corruption Law jo. Constitutional Court Decision Number 25/PUU-XIV/2016 regulates. Every person who unlawfully enriches himself or herself or another person or a corporation harms state finances or the state economy sentenced to life imprisonment or imprisonment for a minimum of four years, a maximum of twenty years, a fine of at least IDR 200 million, and a maximum of

IDR 1 billion. Meanwhile, according to the law, the element of being able to harm state finances is defined as harming the state in a direct or indirect sense. This means that an action can automatically be considered detrimental to state finances if the action has the potential to cause state losses.

The case of alleged corruption in the implementation of the construction of the Lalove bridge from the personal case of one of the suspects who objected to the compensation payment that had been received by his ex-wife where one of the suspects did not receive compensation payment for the payment of buildings/houses at all from his ex-wife. During the implementation of land acquisition by the city government, the ex-wife signed and received the compensation fee because the certificate was in her name. However, when he found out about this, the suspect did not accept it because he thought the house was part of the divorce property. So, he was entitled to the compensation payment. Not accepting this, the suspect filed a lawsuit or refused compensation. However, in the process, the relevant agencies stated that they had carried out the procedures for implementing land acquisition and compensation payments following applicable laws and regulations. However, in reality, the compensation payment obtained by the landowner did not match the value of the compensation price set, causing state losses.

Alleged corruption in the construction of the Lalove bridge caused state losses; three unlawful acts were found in the case exposed. First, there needed to be a technical plan regarding how much land was needed for bridge construction activities and for widening the Jalan Anoa II. Second, the acquisition of land and houses was outside the technical plan. Where according to the technical plan of the Public Works Office, it is stated that the widening of the right and left roads is 2 meters, but there are lands and houses outside the plan and not affected by the road body. Third, there was an abuse of authority because the application letter submitted by the landowner to the Palu City Government using the letterhead of the application and the statement contained incorrect information; the house is included in the building's boundary line.

The involvement of a former official and a former employee of the relevant agency in the alleged corruption case for land acquisition for the construction of the Lalove Palu bridge indicates that the implementation of land acquisition for development in the public interest is very prone to taking advantage. There is also misappropriation of positions by related officials. What should be in implementing land acquisition for the public interest can benefit the community. Also, the payment of compensation is

considered to help the losses suffered by landowners due to the relinquishment of their land rights; it is considered that they are still unable to answer the question of justice for landowners in achieving prosperity concerning land rights.

They are raising new problems again with implementing land acquisition for development in the public interest. The conflict that often occurs in land acquisition activities, allegations of corruption namely the rejection of the amount of compensation but this time, has become a new job for the Government as the party that makes laws and regulations for the implementation of land acquisition for the public interest, to be able to answer these problems. New things are happening in society, especially in the payment of compensation, which is a loophole for certain elements to gain profits.

## Conclusion

The implementation of land acquisition for development in the public interest for the construction of the Lalove bridge in Palu, apart from providing benefits for the people of Palu city, especially residents of the Nunu and Tatura Selatan sub-districts, and also economic benefits, still leaves quite complicated problems involving several officials involved in land acquisition and land owners. Land acquisition in cases of alleged corruption is a new problem in the implementation of land acquisition; there are new loopholes that certain people can exploit to obtain benefits from the implementation of land acquisition.

## References

- Alfred. (2020). *Kejari Palu Selidiki Dugaan Korupsi Pembebasan Lahan Jembatan Lalove*. Radar Sulteng.ID. <https://radarsulteng.id/kejari-palu-selidiki-dugaan-korupsi-pembebasan-lahan-jembatan-lalove/>
- Alihana, F. (2020). *Jembatan Lalove Jadi Magnet Baru Wisata di Palu*. Metro Sulawesi.ID. <https://metrosulawesi.id/2020/09/02/jembatan-lalove-jadi-magnet-baru-wisata-di-palu/>
- Bakri, M. (2011). *Hak menguasai tanah oleh Negara (Paradigma baru untuk reforma agraria)*. Universitas Brawijaya Press.
- Bening, W., Rafiqi, I. D. (2022). Permasalahan Hukum Pengaturan Bank Tanah Pasca Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja. *Jurnal Suara Hukum*, 4(2), 265–298.

- <https://doi.org/https://doi.org/10.26740/jsh.v4n2.p265-298>
- Bustomi, A. (2018). Pengadaan Tanah Bagi Pelaksanaan Pembangunan Untuk Kepentingan Umum. *Solusi*, 16(3), 241-252.  
<https://doi.org/https://doi.org/10.36546/solusi.v16i3.119>
- Djanggih, H., Salle. (2017). Aspek Hukum Pengadaan Tanah bagi Pelaksanaan Pembangunan untuk Kepentingan Umum. *Pandecta: Jurnal Penelitian Hukum*, 12(2), 165-172.  
<https://doi.org/http://dx.doi.org/10.15294/pandecta.v12i2.11677>
- Edi Rohaedi, Isep H. Insan, N. Z. (2019). Mekanisme Pengadaan Tanah Untuk Kepentingan Umum. *PALAR (Pakuan Law Review)*, 5(2), 198-220.  
<https://doi.org/https://doi.org/10.33751/palar.v5i2.1192>
- Fairuz Shofi, Z. D., Subekti, R. Raharjo, P. S. (2022). Aspek Hukum Ganti Rugi dalam Pengadaan Tanah Untuk Kepentingan Umum. *Jurnal Komunitas Yustisia*, 5(1), 290-299.  
<https://doi.org/https://doi.org/10.23887/jatayu.v5i1.46072>
- Harsono, B. (2003). *Hukum Agraria Indonesia: Sejarah Pembentukan Undang-Undang Pokok Agraria, Isi dan Pelaksanaannya*. Djambatan.
- Herlindah. (2017). Government Role in Agricultural Management as Agrarian Resource. *Hang Tuah Law Journal*, 1(1), 19-37.  
<https://doi.org/https://doi.org/10.30649/htlj.v1i1.83>
- Kristian, D., Suyatna, I. N., Dahana, C. D. (2014). Kewenangan Pemerintah Daerah dalam Pengadaan Tanah Bagi Pelaksanaan Pembangunan Untuk Kepentingan Umum. *Kertha Negara: Journal Ilmu Hukum*, 2(1).  
<https://ojs.unud.ac.id/index.php/Kerthanegara/article/view/7756/5856>
- Lestari, P. (2020). Pengadaan Tanah untuk Pembangunan demi Kepentingan Umum di Indonesia Berdasarkan Pancasila. *SIGn Jurnal Hukum*, 1(2), 71-86.  
<https://doi.org/https://doi.org/10.37276/sjh.v1i2.54>
- Matuankotta, J. K. (2020). Pengakuan dan Perlindungan Hukum Terhadap Eksistensi Pemerintahan Adat. *Jurnal Sasi*, 26(2), 188-200.  
<https://doi.org/http://dx.doi.org/10.47268/sasi.v26i2.305>
- Rahman, N. A., Mochtar, Z. A., Rafiqi, I. D., Jalloh, M. Y. (2022). Legal Politics of

- Environmental Licensing Governance After Job Creation Law. *Hang Tuah Law Journal*, 6(2), 123-134.  
<https://doi.org/https://doi.org/10.30649/htlj.v6i2.109>
- Rachman, I. N. (2016). Politik Hukum Pengelolaan Sumber Daya Alam Menurut Pasal 33 UUD 1945. *Jurnal Konstitusi*, 13(1), 195.  
<https://doi.org/10.31078/jk1319>
- Rejekiingsih, T. (2016). Asas Fungsi Sosial Hak Atas Tanah Pada Negara Hukum (Suatu Tinjauan Dari Teori, Yuridis dan Penerapannya Di Indonesia). *Yustisia Jurnal Hukum*, 5(2), 298-300.  
<https://doi.org/https://doi.org/10.20961/yustisia.v5i2.8744>
- Santoso, U. (2012). Eksistensi Hak Pengelolaan dalam Hukum Tanah Nasional. *Mimbar Hukum*, 24(2), 275-288.  
<https://doi.org/https://doi.org/10.22146/jmh.16130>
- Sri Prabandari, L. N. D., I Wayan Arthanaya, I. W., Suryani, L. P. (2021). Pemberian Ganti Rugi Terhadap Pengadaan Tanah Oleh Pemerintah Untuk Kepentingan Umum. *Jurnal Analogi Hukum*, 3(1), 1-5.  
<https://doi.org/https://doi.org/10.22225/ah.3.1.2021.1-5>
- Subekti, R. (2016). Kebijakan Pemberian Ganti Kerugian Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum. *Yustisia Jurnal Hukum*, 5(2), 376-394.  
<https://doi.org/https://doi.org/10.20961/yustisia.v5i2.8754>
- Sumardjono, M. S. W. (2009). *Kebijakan pertanahan antara regulasi dan implementasi*. Penerbit Buku Kompas.
- Sumardjono, M. S. W. (2015). *Dinamika pengaturan pengadaan tanah di Indonesia: dari keputusan presiden sampai undang-undang*. Gadjah Mada University Press.
- Sutendi, A. (2009). *Tinjauan Hukum Pertanahan*. PT. Pradnya Paramita.
- Supit, E. H., Lasut, R. A. Olii, A. (2021). Pengadaan Tanah Untuk Kepentingan Umum Berdasarkan Undang-Undang No. 2 Tahun 2012 Tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum. *Lex Administratum*, IX(4), 70-77.  
<https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view>

/33316/31511

Wahyudi. (2020). *Hadirnya Jembatan Palu Lima Bantu Konektivitas Dua Kelurahan. Trilogi*. <https://trilogi.co.id/hadirnya-jembatan-palu-lima-bantu-konektivitas-dua-kelurahan/>

Wibowo, R. J. A. (2022). Konstitusionalitas Pengadaan Tanah Di Ibu Kota Negara Baru Bidang Pertanahan Dalam Perspektif Reforma Agraria. *Majalah Hukum Nasional*, 52(1), 168. <https://doi.org/https://doi.org/10.33331/mhn.v52i1.168>

Wibowo, S. N. Pujiwati, Y. Rubiati, B. (2021). Kepastian Hukum Ganti Kerugian Pengadaan Tanah Bagi Pembangunan Jalan Tol Cisumdawu. *Jurnal Ilmu Hukum Kenotariatan*, 4(2), 191-209. <https://doi.org/https://doi.org/10.23920/acta.v4i2.480>

Zakie, M. (2016). Konflik Agraria yang Tak Pernah Reda. *Legality: Jurnal Ilmiah Hukum*, 24(1), 45. <https://doi.org/https://ejournal.umm.ac.id/index.php/legalitiy/article/view/4256>