

Reconstruction of the regulation of legal protection for land rights holders in the process of granting industrial location permit in Indonesia based on justice value

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Abstract

The implementation of providing land for industrial purposes often gave disadvantages to former landowners because the compensation value is not commensurate. This encourages the author to conduct a study on the subject matter of what are the weaknesses of legal protection arrangements for land rights holders in the process of granting industrial location permits in Indonesia and how is the reconstruction based on the value of justice. This research type is descriptive-analytical, meaning that the results of this study attempt to provide a comprehensive, in-depth picture of a condition or symptoms being studied. The approach method used in this research is the empirical juridical approach method where the data analysis used in this research is qualitative data analysis. The results of the study indicate that the weakness as referred to is the supervision of the local government on the implementation of the land acquisition process and there is no direct government involvement in the land acquisition process and there is an overlap regarding competent institutions such as dispute resolution authority, namely between Presidential Decree No. 34 of 2003 concerning National Policy in the Field of Land and Presidential Regulation Number 10 of 2006 concerning the National Land Agency. To overcome this, it is necessary to reconstruct legal protection arrangements for land rights holders in granting location permits in industrial estates based on the values of justice regulated in Minister of agrarian and spatial planning Regulation (Permen ATR)/ Head of National's Land Office (BPN) Number 17 of 2019 concerning Location Permits in two articles, namely: Article 19 subsection (1) and Article 21 subsection (2). Article 19 subsection (1) where location Permit is granted for a period of 3 (three) years since the Location Permit becomes effective. The stipulation of the period of time reduces the value of justice for business actors and owners of land rights. Therefore, a location permit needs to be limited to a period of only 1 (one) year after the location permit becomes effective.

Keywords: reconstruction, land ownership, industrial zone, justice value

Introduction

The government's authority in regulating the land sector, especially in legal traffic and land use is based on the provisions of Article 2 Subsection (2) of the Indonesian main agrarian law (UUPA), namely in terms of the authority to regulate and administer the designation, use, supply and maintenance of land, including determining and regulating legal relations between people. - People with the land and also to determine and regulate legal relations between people and legal actions concerning land. On the basis of this authority, according to Article 4 of the UUPA, it is determined that there are various land rights that can be granted by the state (government) to and owned by legal subjects. Land rights granted to legal subjects, namely persons or legal entities that are equated with people, are land rights that are civil in nature as regulated in article 16 of the UUPA. The UUPA does not only contain provisions regarding the reform of Agrarian law but also, as the name implies (the Indonesian main agrarian law), contains other main agrarian issues and their solutions. The resolution of these problems at the time the UUPA was formed as a revolutionary program in the Agrarian sector, which was called Agrarian Reform Indonesia. In accordance with the situation and conditions of the archipelago in Indonesia and the goal of creating a just and prosperous society based on Pancasila, Agrarian Reform Indonesia includes 5 programs

(Panca Program) ^[1], namely:

1. Agrarian Law Reform, through legal unification with a national concept and guaranteeing legal certainty.
2. Abolition of foreign rights and colonial concessions on land.
3. Gradually ending the feudal exploitation.
4. Reform of land ownership and control as well as legal relations related to land exploitation in order to achieve equitable distribution of prosperity and justice.
5. Planning for the supply and allotment of the earth, water, and natural resources contained therein and their planned use in accordance with the carrying capacity and capability.

In the era of development and industrialization, the existence of land is getting more and more complicated, which tends to create potential for conflict turmoil. The solution approach is not only a legal problem from a juridical technical aspect but also involves socio-economic considerations. Regulation of Law Number 5 of 1960 concerning UUPA which in its legal conception of national land becomes the basis and reference, however after the UUPA has been in effect for approximately 59 years it is sufficient to judge from the aspect of how far the UUPA has achieved its objectives. has been determined and what

¹ Hambali Thalib. (2009). Sanksi Pemidanaan dalam Konflik Pertanahan, Kencana, Jakarta, p. 55.

aspects make the UUPA still valid legally and socially as a means of restructuring and control of land and what aspects of UUPA can still accommodate the demands of the community in the transition period towards the era of development and industrialization.

This situation was further emphasized by granting regional autonomy through Law Number 32 of 2004 which has been replaced by Law Number 23 of 2014 concerning Regional Government. In this case, giving enormous powers to each region. Based on the formulation of article 9 subsection 4 of Law Number 23 of 2014 concerning Regional Government, it is stated that concurrent government affairs that are transferred to the Regions become the basis for the implementation of Regional Autonomy. It is clear here that provinces and regencies/cities can regulate their respective regions including land services.

In supporting the development in the Republic of Indonesia, the role of land for the fulfillment of various needs will increase both as a place to live and for business activities, in connection with this to provide legal certainty and for legal purposes, it is necessary that existing legal instruments can be implemented and run continuously. Consistent in accordance with the spirit and content of the provisions, the authorities and the regulations are effective in social life ^[2].

Furthermore, in carrying out the ideals of the nation, sustainable and equitable development is needed, therefore it is necessary and/or a very large cost, as one alternative is to include all layers of society in the form of domestic investment and foreign investment.

The implementation of providing land for industrial purposes cannot be separated from various aspects, such as social aspects, political aspects, legal aspects, and so on. Therefore, it is also important how the rights to the land are obtained. This is of course to anticipate the emergence of disputes in the future.

Therefore, in observing the dynamics that occur in community life, both socially, culturally, and economically, the basic rights of land ownership are felt to be very far from the values of justice, resulting in no civil legal certainty for land rights owners by granting permits. Location by the Regional Government that has been designated by the applicant for a Location Permit.

This problem is what urges the author to study it further in a research with the following issues:

1. What are the weaknesses of the legal protection for land rights holders in the process of granting Industrial location permits in Indonesia currently?
2. How is the reconstruction of the legal protection for land rights holders in the process of granting Industrial location permits in Indonesia based on the value of justice?

Method of Research

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge ^[3] Paradigm also looked at the science of social as an analysis of systematic against

Socially Meaningful Action through observation directly and in detail to the problem analyzed.

The research type used in writing this paper is a qualitative research. Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach method used in this research is *Empirical-Juridical* ^[4], which is based on the norms of law and the theory of the existing legal enforceability of a law viewpoint as interpretation.

As for the source of research used in this study are:

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study, the author use data collection techniques, namely literature study, interviews and documentation where the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data ^[5] Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

Research Result and Discussion

1. The Weaknesses Of The Legal Protection For Land Rights Holders In The Process Of Granting Industrial Location Permits In Indonesia Currently

Based on Article 1 number (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Office of the Republic of Indonesia Number 17 of 2019 concerning Location Permits, Location Permits are permits granted to business actors to acquire land needed for their business and/or activities and are also valid as a license for the transfer of rights and to use the land for business and/or activity purposes. The arrangement of location permits involves many parties with their respective roles and responsibilities. The involvement of these parties, on one hand, facilitates the legal protection of land rights owners ^[6], but on the other hand, it becomes a weakness in itself.

The government is the holder of general responsibility for the overall benefit of society. All causes and consequences of community actions are the responsibility of the government. Including in the case of land acquisition, the government holds the responsibility, how the implementation of land acquisition can provide a sense of justice for the land owner to be given proper compensation, which in principle should not let the economic life of the land owner after the liberation of his economic life worsen than before.

² Wahyu Widodo, Sapto Budoyo and Toebagus Galang Windi Pratama. (2018). The Role of Law Politics on Creating Good Governance and Clean Governance for a Free-Corruption Indonesia in 2030. The Social Sciences, 13: 1307-1311.

³ Faisal, (2010), *Menerobos Positivisme Hukum*, Rangkang Education, Yogyakarta.

⁴ Johnny Ibrahim, (2005), *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, Surabaya.

⁵ L. Moleong, (2002), *Metode Penelitian Kualitatif*, PT Remaja Rosdakarya, Bandung.

⁶ Kwanda, Timoticin. (2004). Pengembangan Kawasan Industri di Indonesia. Dimensi Teknik Arsitektur. 28 (1).

The government must make clear rules and carry out good supervision in the implementation of land acquisition. Because in reality, in the field often land acquisition tends to harm landowners and the government tends to take the community's land in the name of the public interest. According to Hery Zarkasih ^[7], several problems that arise in the case of land acquisition for development for the public interest include:

- a. The lack of a good approach from the implementer with the community which causes support for land acquisition for the public interest that is not optimal.
- b. Implementation of deliberations using the basis of price appraisal from appraisal starting with a low price, resulting in a protracted implementation of land acquisition.
- c. Obstruction of land acquisition and physical development is due to price disagreements, hindering the project and resulting inefficiency, because land prices and construction costs increase over time.
- d. The transfer of land affected by development for the public interest to another party has caused the demand for land compensation to increase.
- e. Lack of a thorough and detailed understanding of the land acquisition process and coordination between the Land Acquisition Committee (P2T), the Land Acquisition Team (Government Agencies requiring land), financial/financing authorities and business entities including the community have resulted in the implementation of land acquisition not running smoothly.
- f. Lack of funds available for adequate land acquisition.

Furthermore, Hery Zarkasih in his research on land acquisition in Praya City said that the problems that arise are as follows:

- a. There is a dispute between the land owner affected by the road widening and the old owner;
- b. Appraisal from the Appraisal Agency (Appraisal) which is deemed not in accordance with market prices, resulting in a request from the community to recalculate the value of land and buildings;
- c. There is the opinion of the residents, that there is a difference in the value of compensation given between one resident and another.
- d. There is jealousy from residents that the government will play with residents in providing compensation because the assessment is carried out based on the Appraisal Agency using a separate mechanism;
- d. The landowner affected by the road widening is not in the location of the land so that the government has difficulty contacting the landowner

The results of Sahnans's research ^[8], in terms of land acquisition, the problems or obstacles that arise in implementing the acquisition are as follows:

- a. Lack of land acquisition implementing personnel;

- b. Lack of knowledge of land acquisition procedures from agencies requiring land;
- c. Ego-centric from the related agencies, so they often don't want to coordinate;
- d. Land acquisition procedures that take a long time;
- e. Land owners are not willing to give up their rights to the government;
- f. The act of land speculators/land brokers who tend to take advantage of the situation and conditions to provoke the community, so that the community is reluctant to release their land;
- g. The land owner's desire to ask for a high compensation price, while the government in carrying out land acquisition is limited by regulations.
- h. The desire of the community is that compensation payments be made in a short time.
- i. The process of changing the name at BPN is too long.

In customary law, the concept of abandoned land is formulated as paddy land or fields that are abandoned by the owner or cultivator for a certain period of time (3-15 years) until the rice fields or fields become thickets again, then the land will return as a customary rights.

Unproductive land or abandoned land, which refers to the physical condition of land that is no longer productive and does not owned by any one or is abandoned by the right holder, or its right is not in a position that is clear juridically. This condition is due to the absence of authorization to determine a land or piece of land is in a derelict condition or not as usually, in a customary law environment, the right to point the designation of abandoned land fall to the head of the customary community.

Apart from being based on customary law, the concept of abandoned land can also be found in statutory regulations. Both in Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The definition of abandoned land is not found in the UUPA. In the UUPA, it is stated that land rights will end or be deleted because the land is abandoned. Several provisions of the UUPA relating to abandoned land can be stated as follows:

- a. Ownership rights over land are nullified if the land falls to the State because it is neglected (Article 27 point a. 3). The Elucidation of the Article 27 states that: "Land is abandoned if it is deliberately not used according to its condition or the nature and purpose of its right".
- b. Business-Use Rights that are abolished due to neglect of the land (Article 34 e).
- c. Building-use rights that are abolished because they are abandoned (Article 40 e).

Based on the aforementioned provisions, any land rights granted or obtained from the state (Ownership Rights, Business Use Rights, Building Use Rights) can have their rights nullified if neglected. This means that there is an element of deliberate action of not using it according to the circumstances or the nature and purpose of the right.

Based on the UUPA, Government Regulation No. 11/2010 concerning Control and Utilization of Abandoned Land replaced Government Regulation No. 36/1998 which regulates the same. The definition of abandoned land can be seen in the explanation of Article 2 of Government Regulation Number 11 of 2010 concerning Control and Utilization of abandoned land states that: "Land that is already freehold ownership, business-use rights, building-

⁷ Hery Zarkasih. (2015). Pelaksanaan Prinsip Keadilan Dalam Pemberian Ganti Rugi Pengadaan Tanah Untuk Kepentingan Umum (Studi Kasus Pelebaran Jalan Raya di Kota Praya Kabupaten Lombok Tengah), Program Studi Magister Ilmu Hukum, Program Pascasarjana Unram, p. 98.

⁸ Sahnans Sahnans, M. Yazid Fathoni, Musakir Salat. (2015). Penerapan Prinsip Keadilan Dalam Pembebasan Tanah Bagi Pembangunan Untuk Kepentingan Umum, Jurnal IUS Kajian Hukum dan Keadilan Vol 3 (3), DOI: <http://dx.doi.org/10.12345/ius.v3i9.257>

use rights, usage rights, or management rights is declared as abandoned land, if the land is not cultivated, not used or not utilized in accordance with the condition or nature and purpose of the right".

This article also applies to land which already has basic tenure rights but can be declared as abandoned land if the land is not immediately requested for rights, not utilized, not used, in accordance with the conditions predetermined in the location permit, a decree granting rights, a forest area release letter, and/or in permits/decisions/other Certificate by the competent official in that matter.

The concept of abandoned or unproductive land has the following dimensions, namely:

- a. There must be an owner/holder of land rights (subject). Management rights, or the holder of a permit/ decision/ certificate from an authorized official which becomes the basis for controlling the land". This means that anyone, in this case, can become the holder of land rights as long as it is in accordance with applicable regulations, based on this the government, in this case, BPN, must determine who or which institution or agency or legal entity holds land rights over the abandoned land object.
- b. There must be land rights (objects). Based on the provisions in Article 2 of Government Regulation Number 11 of 2010 concerning Control and utilization of abandoned land, the objects of abandoned land are Business Use, Building Use Rights, Use Rights, and Management Rights, or basic control over land that is not cultivated, not used, or not used in accordance with the circumstances or the nature and purpose of granting rights or the basis for control over land. It can be seen that to determine its status, there must be an object.c. There must be deliberate action not to use the land, Article 3 letter B Government Regulation Number 11 of 2010, in lieu of Government Regulation Number 36 of 1998 concerning Control and Utilization of Abandoned Land, states that it is not included in the object of controlling abandoned land, namely: land that is controlled by the government either directly or indirectly and has the status or not the status of State/Regional Property which is not deliberately used in accordance with the circumstances or nature and purpose of granting their rights In the elucidation it is emphasized that what is meant by "accidentally not being used according to the circumstances or nature and purpose of granting his right", in this provision it is due to the limitations of the State / regional budget to exploit, use, or utilize in accordance with the circumstances or the nature and purpose of granting rights.
- c. There must be an act of neglecting its obligations. These obligations in general can be stated as stated in Article 6 of the UUPA, all rights to land have a social function. This means that any land rights that a person has cannot be justified, that the land will be used or not used solely for his personal interest, especially if it causes harm to the community. The use of land must be adjusted to the conditions, nature, and purpose of the land's right so that it benefits those who have rights to the land as well as for the community and the state by avoiding the act of not maintaining boundary markers, leaving the land vacant, as a form of denial of social functions or disregard for the social function of land

rights. Regarding the obligations of land rights holders, it is also regulated in Article 10 Subsection (1) and Article 15 of the UUPA, which in essence must maintain the productivity and quality of the land.

- d. There must be a certain period of time in which the right-holders ignore their obligations, the National Land Agency and elements of related agencies regulated by the Head of the National Land Agency identify and research the land indicated as neglected. This will be carried out starting 3 (three) years since the use rights and management rights have been put in order or since the expiration of the permit/decision/certificate of control over land from the competent official. The committee submits reports on the results of identification, research, and Minutes to the Head of the Regional Office of the National Land Agency. This regulation is in contrast with the neighboring countries like Malaysia for example, land use in Malaysia is classified into three types, namely agricultural land, development land, and industrial land which are also regulated by different articles. Likewise with the time criterion to be declared as spread land. Article 115 Subsection (1) Letter C states that the time limit for land not used in accordance with the provisions in the regulation is three years, the same as that stipulated in Article 117 Subsection (1) letter b which states that the time limit for being indicated as unused land is for industrial land is three years.

2. The Reconstruction Of The Legal Protection For Land Rights Holders In The Process Of Granting Industrial Location Permits In Indonesia Based On The Value Of Justice

Based on Article 19 subsection (1) Permen ATR No. 17 of 2019, a Location Permit is granted for a period of 3 (three) years from the time the Location Permit becomes effective. Subsection (2) Land acquisition by a Location Permit holder must be completed within the Location Permit period. Subsection (3) If within the period of the Location Permit as referred to in subsection (1) the land acquisition has not been completed then:

- a. The location permit can be extended for 1 (one) year if the land that has been obtained reaches at least 50% (fifty percent) of the land area designated in the Location Permit;
 - b. (2) The Location Permit cannot be extended if the period of the Location Permit as referred to in section (1) ends and the land acquisition is less than 50% (fifty percent) of the land area designated in the Location Permit.
- Subsection (4) of this article also explains that if the land acquisition cannot be completed within the period of the Location Permit as referred to in subsection (3) letter a, then:
- a. the land that has been obtained is used to carry out the Investment plan with adjustments regarding the area of development which is a unitary field;
 - b. Acquisition of land can be carried out again by the holder of a Location Permit for land that is between the land that has been obtained so that it is a unitary plot of land with a maximum period of 1 (one) year.

In Subsection (5) In the event that the land acquisition is less than 50% (fifty percent) of the land area designated in the Location Permit as referred to in subsection (3) letter b, the Business Actor is obliged to use or utilize the land that

has been obtained in accordance with the purpose of his business activities. Subsection (6) In the event that the Business Actor does not carry out the use and utilization of the land as referred to in subsection (5), the Business Actor is obliged to transfer the acquired land to another party that meets the requirements for a maximum of 1 (one) year. (7) Business actors can be granted a new Location Permit on land that has not been obtained as referred to in subsection (3) letter b and subsection (4) letter b, in the case of:

- a. business actors have used and utilized the land that has been obtained in accordance with the objectives of business activities; and
- b. there is no other party that meets the requirements to carry out business activities on the land.

In Subsection (8), Application for a new Location Permit as referred to in subsection (7) shall be made no later than 1 (one) year from the termination of the Location Permit and / or its extension. The length of time for the location permit mentioned above can be detrimental to both the developer and the owner of land rights. According to the author, although the duration of time given can be extended, for the permit holder this is considered detrimental because of the protracted land acquisition. This is due to the delay in land acquisition and the obligation to extend the validity period of the Location Permit, resulting in changes in planning and additional costs from the developer side as seen in the many case of Indonesian Manufacturing Firms ^[9]. The allocated land purchase budget has the potential to swell due to an increase in the Sales Value of Tax Objects (NJOP).

NJOP as the basis for calculating Land and Building Tax paid by taxpayers on their land assets continues to increase in line with the potential for regional development. The NJOP value has historically tended to increase every year. In a land sale and purchase transaction, the owner will almost certainly check the NJOP of the land as a reference for determining the price. Although it cannot be denied, the price of land that is finally agreed upon tends to always be above the NJOP.

The slow progress of land acquisition and the increase in NJOP resulted in an increase in the allocation of capital expenditures for land purchases issued by location permit owners. The increase in capital expenditure, for example, can be seen from the selling price of housing in the case of industrial locations which are designated as housing. The longer the land acquisition process will have an impact on the higher the price of the land. The increase in land prices will eventually be borne by the people who will buy the house. In the simplest terms, no seller chooses to lose. The part of land acquisition is the first part that causes a high occupancy price in an area.

In addition to the location permit holders, the determination of the duration of 3 years for land acquisition also results in material losses for land rights owners because the land cannot be utilized. Although it is determined that the owner of the land title does not lose his right to use the land, in reality, the owner of the land right cannot make maximum use of the land. Provisions regarding the duration of time given for land acquisition, namely three years plus one year, are not fair for both land rights owners and location permit

owners ^[10].

Then, based on Article 21 subsection (1) that the Location Permit Holder based on the Commitment is obliged to immediately fulfill the Location Permit Commitment. This provision requires location permit holders not to delay the fulfillment of location permit commitments. Therefore, in subsection (2) it is stated that after the Location Permit that is owned is effective, the Business Actor is permitted to free the land from the rights and interests of other parties based on an agreement with the right holder or the party having said interest by way of buying and selling, giving compensation, land consolidation or other methods in accordance with statutory provisions.

In Subsection (3), Before the land in question is released by the holder of a Location Permit according to the provisions in subsection (2), all existing rights or interests of other parties to the land concerned are not diminished and their rights are still recognized, including the authority legally owned by the Rights-holder of the land to obtain proof of rights (certificate), and the authority to use and utilize the land for personal or business purposes in accordance with the applicable spatial plan, as well as the authority to transfer it to another party. Furthermore, in Subsection (4), the holder of a Location Permit is obliged to respect the interests of other parties on land that has not been acquired as referred to in subsection (2) not to close or reduce the accessibility of the community around the location and to protect and protect public interests.

Subsection (5) states that after the land in question has been freed from other rights and interests, the holder of a location permit can be granted a right to land which authorizes him to use the land according to the need to implement his investment plan.

Land acquisition in industrial locations is different from procurement or land acquisition for public interests, where in terms of public interest it is regulated in a special Law (UU), namely Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest, and Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Acquisition for Development for Public Interest. Land acquisition is technically regulated in the Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Guidelines for Land Acquisition Implementation.

Land acquisition for public purposes is carried out through stages including planning, preparation, implementation, and delivery of results. After the data is collected, it will be immediately submitted to agencies requiring land acquisition. The data collected is then submitted to an independent appraisal (appraisal) team appointed by the owner of the land acquisition project, to be used as a material in calculating land prices. The land appraiser is an individual or institution that independently and professionally obtains a license to practice appraisal from the Minister of Finance. In addition, land appraisers must also obtain a license from the Land Agency to calculate the value or price of the land acquisition object. Then the price or value of the land is determined by the Chief Executive of Land Acquisition based on the results of the assessment given.

⁹ Faradila, Fitria & Kakinaka, Makoto. (2020). Industrial Estate, Firms' Productivity, and International Trade Relationship: The Case of Indonesian Manufacturing Firms. *Buletin Ilmiah Litbang Perdagangan*. 14. 121-146. 10.30908/bilp.v14i1.426.

¹⁰ Kartiwi, Mulia. (2020). Peran Pejabat Pembuat Akta Tanah Dalam Meminimalisir Sengketa Tanah. *Res Nullius Law Journal*. 2. 35-47. 10.34010/mlj.v2i1.2888.

According to the author, in terms of land acquisition for a location where a location permit already exists, the assessment must be carried out through an assessment by an independent team with government oversight, so that the community is not left alone to negotiate with large corporations as this is needed considering the imbalance that occurs in the negotiation process when people are faced with large corporations.

Conclusion

1. Weaknesses in the regulation of legal protection for land rights holders in the process of granting Industrial location permits can be seen from several things: first, supervision from the local government on the implementation of the land acquisition process is weak. Government oversight becomes increasingly important in the event of a potential land acquisition that is detrimental to the interests of the community who own land rights. The government cannot allow communities who own land rights unequally to face large corporations. Second, there is no direct government involvement in the land acquisition process. Normatively, there is no clause that states government involvement in the land acquisition process. Therefore, the government should think about clear rules and carry out good supervision in the implementation of land acquisition. This is because in reality, in the field, often land acquisition by corporations that hold location permits tends to harm landowners and the government tends to take the public's land in the name of public interest. Third, there is an overlap regarding competent institutions such as the authority for dispute resolution, namely between Presidential Decree Number 34 of 2003 concerning National Policy in the Land Sector and Presidential Regulation Number 10 of 2006 concerning the National Land Agency.
2. The Reconstruction of legal protection arrangements for land rights holders in the process of granting industrial location permits in Indonesia based on the values of justice in Permen ATR/Head of BPN Number 17 of 2019 concerning Location Permits in two articles, are namely: Article 19 subsection (1) and Article 21 subsection (2). Article 19 subsection (1) Location Permit is granted for a period of 3 (three) years since the Location Permit becomes effective. The stipulation of the period of time reduces the value of justice for business actors and owners of land rights. Therefore, a location permit needs to be limited to a period of only 1 (one) year after the location permit becomes effective. Article 21 subsection (2) regulates that Business Actors are permitted to free the land from the rights and interests of other parties based on an agreement with the rights holder or parties having said interest by way of buying and selling, giving compensation, land consolidation, or other means in accordance with the provisions of the laws and regulations. Invitation. These provisions need to be reconstructed so that Business Actors are allowed to free the land from the rights and interests of other parties based on an agreement with the right holders or parties having said interests by releasing land rights under government supervision, providing compensation, land consolidation, or other means in accordance with the provisions. laws and regulations. In addition, it is necessary to add an article

regarding the Relinquishment of land rights as stated in subsection (2) by appointing an independent appraisal.

References

1. Faisal. *Menerobos Positivisme Hukum*, Rangkang Education, Yogyakarta, 2010.
2. Faradila Fitria, Kakinaka Makoto. *Industrial Estate, Firms' Productivity, and International Trade Relationship: The Case of Indonesian Manufacturing Firms*. *Buletin Ilmiah Litbang Perdagangan*. 2020; 14:121-146. 10.30908/bilp.v14i1.426.
3. Hambali Thalib. *Sanksi Pemidanaan dalam Konflik Pertanahan*, Kencana, Jakarta, 2009, 55.
4. Hery Zarkasih. *Pelaksanaan Prinsip Keadilan Dalam Pemberian Ganti Rugi Pengadaan Tanah Untuk Kepentingan Umum (Studi Kasus Pelebaran Jalan Raya di Kota Praya Kabupaten Lombok Tengah)*, Program Studi Magister Ilmu Hukum, Program Pascasarjana Unram, 2015, 98.
5. Johnny Ibrahim. *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia, Surabaya, 2005.
6. Kartiwi Mulia. *Peran Pejabat Pembuat Akta Tanah Dalam Meminimalisir Sengketa Tanah*. *Res Nullius Law Journal*. 2020; 2:35-47.10.34010/rnlj. v2i1.2888.
7. Kwanda Timoticin. *Pengembangan Kawasan Industri di Indonesia*. *Dimensi Teknik Arsitektur*, 2004, 28(1).
8. Moleong L. *Metode Penelitian Kualitatif*, PT Remaja Rosdakarya, Bandung, 2002.
9. Sahnun Sahnun M, Yazid Fathoni, Musakir Salat. *Penerapan Prinsip Keadilan Dalam Pembebasan Tanah Bagi Pembangunan Untuk Kepentingan Umum*, *Jurnal IUS Kajian Hukum dan keadilan*, 2005, 3(3), DOI: [http:// dx.doi.org/10.12345/ ius.v3i9.257](http://dx.doi.org/10.12345/ius.v3i9.257)
10. Wahyu Widodo, Spto Budoyo, Toebagus Galang Windi Pratama. *The Role of Law Politics on Creating Good Governance and Clean Governance for a Free-Corruption Indonesia in 2030*. *The Social Sciences*. 2018; 13:1307-1311.