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Determination of compensation forms in land acquisition for the construction of the Padang Tiji - Seulimeum Section 1 Toll Road

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Abstract
Based on Article 9 of Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, land acquisition must balance development interests with community interests, which is implemented through the provision of appropriate and fair compensation. Economic growth requires infrastructure, with land as a key element. However, limited state land requires the government to engage with landowners in the land acquisition process. In practice, disputes arise from differing perceptions of land value between the Land Acquisition and Land Management Team (P2T) and the community, primarily due to the NJOP (Value-Based Land Value) being lower than market value, despite an assessment conducted by the Public Service Agency (KJPP). This issue arose during the construction of Section 1 of the Padang Tiji-Seulimeum Toll Road. Therefore, a more open and transparent land acquisition process with active community involvement is needed, prioritizing effective communication to reach a fair compensation agreement and reduce the potential for disputes.

Keywords: Land Acquisition, Compensation, Land Disputes, Public Interest, Toll Roads

Introduction

Land acquisition for public interest has a strong legal basis in the Indonesian legal system, as explained in Article 33 (3) of the 1945 Constitution (UUD 1945), which states that: "The land, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people." This provision was then operationalized through Law No.2 of 2012, which serves as the main basis for a modern, transparent, and equitable land acquisition mechanism. Furthermore, Government Regulation (PP No.19 of 2021) as amended by PP No.39 of 2023. Serves as further guidance, especially regarding the stages and procedures for its implementation in the field. All of these regulations demonstrate that the state does have the authority to carry out developmen in the public interest, but at the same time remains obliged to protect the rights of the community by providing adequate, fair compensation, and based on the principle of respect for land rights as rights guaranteed by the constitution.

The government's authority to acquire land for public purposes is based on the principle that all land rights have a social function, as stipulated in Article 6 of the Basic Agrarian Law, which states: "All rights to land have a social function." It can be concluded that an individual's ownership rights encompass the rights of the community. A closer look at Article 6 of the UUPA reveals several aspects that can be viewed as characteristics of the social function of land ownership rights, intended to emphasize the fundamental limitations on individual freedoms.[1]

PP No.39 of 2023 stipulates that one of the benchmarks used in determining compensation is the Taxable Object Sales Value (NJOP). However, in practice, the determination of the NJOP by the Ministry of Finance, through the Directorate General of Taxes, is consistently below the actual market value of the land. This is understandable because the NJOP is formulated as a basis for taxation, not as a representation of actual market value. This situation creates a significant difference between the NJOP and the market price during the land relinquishment process, often triggering differences in perception and becoming a source of conflict between landowners and the agencies requiring the land. The issue of compensation has become sensitive, land owners feel that the value offered by the government does not reflect the true economic value of the land.

The determination of compensation in land acquisition is conducted through a deliberative process involving the party holding rights to the land and the institution requiring the land, as regulated under Law No.2 of 2012 on Land Acquisition for Development in the Public Interest and Permen ATR /Head of the BPN No.18 of 2021. The purpose of this deliberation is to achieve mutual consent regarding both the form and the amount of compensation for the land acquisition object, which may consist of land, buildings, crops, and other objects attached to or related to the land.The essence of the deliberation lies in the agreement reached by the parties concerning the type of compensation to be provided, whether in the form of monetary payment, substitute land, resettlement, share ownership, or other agreed forms, as well as the compensation value determined based on the assessment conducted by an independent appraiser. Through such consensus, compensation is expected to be accepted voluntarily by the entitled party in accordance with the principles of fairness and justice. Consequently, the transfer or relinquishment of land rights may proceed without coercion, minimize potential disputes, and ensure the effective implementation of development projects carried out for the public interest.

The agreement reached during the deliberation possesses binding legal force for the parties involved, consistent with the principle of *pacta sunt servanda* as embodied in Article 1320 in conjunction with Article 1338 of the Indonesian Civil Code (KUHPerdata). Within the framework of land acquisition, the calculation of compensation used in the deliberation process is based on the valuation results prepared by the Land Price Assessment Team or the Public

Appraisal Services Office (*Kantor Jasa Penilai Publik* / KJPP), which acts independently and professionally.

Furthermore, the amount of compensation is determined through an agreement between the holder of land rights and the institution requiring the land, with facilitation provided by the Land Acquisition Implementer (*Pelaksana Pengadaan Tanah* / P2T). The outcome of the deliberation is subsequently documented in the Minutes of Deliberation Results and serves as the official administrative basis for establishing the form and value of compensation to be granted to the entitled party. Accordingly, the deliberation mechanism reflects the consensual principle while simultaneously ensuring legal certainty in the implementation of land.

The fundamental problem in determining compensation during land acquisition is generally caused by differences in the basis for land valuation. The NJOP is often used as the initial reference by the government, but in practice, the NJOP tends to be lower because it is set for tax purposes, not as a representation of the actual land price on the market. This condition results in the NJOP not being able to reflect the dynamic economic developments and commercial spectrum on the ground. Communities, as land rights holders, typically base compensation demands on local factual market prices. This value is considered more relevant because it reflects actual transactions and regional economic development, which constantly fluctuate according to factors such as location, infrastructure, and investment potential. This difference in perception often triggers rejections or objections during compensation deliberations, as there is a significant gap between the government's assessment and community expectations.

Under Law No.2 of 2012, the determination of compensation amounts cannot be based solely on the NJOP but must be based on the assessment results of an independent appraiser. Through appraisal, land value is calculated comprehensively, taking into account various variables, such as current market value, land characteristics, NJOP non-physical losses, and lost economic potential. Appraisal serves as a normative instrument that bridges differing perceptions between the government and the public, ensuring that the compensation determination mechanism is objective, transparent, and equitable, in accordance with the principles of land acquisition for the public interest.

Therefore, the policy regarding compensation is not limited to replacing the value of land, buildings, and plants. It should also encompass an assessment of immaterial losses and losses incurred, such as business activities resulting from relocation, which may result in reduced profits. Furthermore, the loss of land, which would reduce their sources of income, would result in the loss of land.[2] Therefore, land acquisition is permitted but subject to certain conditions, such as the need for adequate compensation. Adequate compensation means that the value or amount of compensation does not reduce the welfare of the community concerned.

If the community does not accept the stipulated amount or form of compensation, the objection resolution mechanism is implemented in stages in accordance with the provisions of Articles 38, 39, and 42 of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, along with its implementing regulations. The first step is through deliberation as the primary forum for reaching a peaceful agreement between the landowner and the agency requiring the land. If the deliberation still fails to reach a consensus, the objecting party can file a legal action with the District Court for a judicial review. If the District Court's decision is still not accepted, the objection can be further pursued through a cassation appeal to the Supreme Court as a final legal remedy. If all objection processes have been exhausted or the community still rejects the development, but the project must proceed, the compensation will be deposited with the court through a consignment mechanism. This tiered mechanism is essentially designed to provide space for fair dispute resolution for landowners while ensuring the sustainability of development in the public interest. In reality, the implementation of land acquisition for public interest, particularly for the construction of Section 1 of the Padang Tiji – Seulimeum Toll Road, faces various problems at the implementation level. One of the main problems is public dissatisfaction with the compensation value, which is considered inadequate and does not reflect the actual market price, resulting in rejection and potential problems between landowners and agencies requiring the land. The land acquisition process is considered not to have fully and optimally involved community participation. The lack of public outreach and consultation has limited public understanding of the stages of land acquisition, the basis for determining compensation, and the rights and obligations of the parties. This condition ultimately strengthens public resistance and hinders the smooth implementation of the toll road construction program. Slow dispute resolution and minimal coordination between related agencies further exacerbate this situation.[3] Land acquisition must adhere to participatory principles, actively involving the community in all stages of the procurement process, from planning to determining compensation. This participation will foster effective communication, increase transparency, and build trust between the government and the community.[4]

The main problem arises from the disparity in compensation offered to landowners. The community believes that the prices set by the Land Acquisition Service (KJPP) and the agency requiring the land do not reflect the true market value, making it difficult to reach an agreement through deliberation. This dispute arose in 2016 when the Pidie Regency Government, through the Land Acquisition and Land Management Agency (P2T), set the compensation value for rice paddies at IDR 90,000/m² based on official appraisal results. The community rejected this determination, comparing it to the compensation value in nearby areas, which reached IDR 350,000/m² for land considered similar in condition. This discrepancy created a sense of injustice for landowners. The lack of public awareness campaigns and limited public consultation opportunities have resulted in a lack of public understanding of the basis for determining compensation values, which has fueled opposition and led to disputes between land-requiring agencies and landowners.

This price disparity has led to public objections, primarily because the compensation determinations are perceived as failing to take into account their socioeconomic conditions and not optimally involving public participation. This lack of public awareness campaigns and limited public consultation opportunities have prevented the public from gaining a comprehensive understanding of the mechanisms, procedures, and basis for determining compensation in land

acquisition. Deliberations held by land-requiring agencies are perceived as mere formalities, failing to provide equal opportunity for the public to express their opinions and substantial objections. As a result, some landowners have refused to sign minutes of deliberations and submit written objections, while others have opted to pursue litigation through the courts. These disputes have become increasingly complex due to the slow resolution process and weak coordination between relevant agencies, disrupting community livelihoods and fostering a sense of injustice in compensation distribution.

Research Methods

This study applies an empirical legal research approach. Empirical legal research, often referred to as sociological or field-based legal research, examines how legal norms and regulations are implemented and function within society in practice.[5] This type of research focuses not only on written legal provisions, but also on their actual application in concrete legal events occurring in everyday social life.

In essence, empirical legal research seeks to analyze real conditions and factual circumstances within the community in order to obtain accurate facts and relevant data related to the legal issues being studied.[6] The data collected from the field are subsequently analyzed to identify existing legal problems and to formulate appropriate solutions to those problems. [7]

This research was conducted using several approaches: the Legislative Approach, the Conceptual Approach, and the Case Approach. Data sources were obtained directly from the field through respondents and informants using collection techniques such as questionnaires, interviews, and observation. This data includes social facts and actual community behavior related to the application of the law being studied.

The data analysis method in this study used a qualitative approach, namely research that produces descriptive data that provides a picture of the field based on what respondents and informants expressed in writing and orally, which is then studied and researched in its entirety. This allows concrete facts about the truth to be found in the learned material, which can be used to answer the questions posed in the writing. The results of this analysis will serve as the basis for drawing conclusions and providing relevant recommendations for future public policy.

Result and Discussion

Determination of the Form of Compensation in Land Acquisition for the Construction of Section 1 of the Padang Tiji – Seulimeum Toll Road

The form of compensation offered should not only cover physical losses but also include non-physical compensation, such as restoring the socio-economic conditions of the community relocated to the new location. This compensation should not harm the Land Owners who have lost their rights, but should instead improve their standard of living, or at least equal to the standard of living before the development activity began. According to Article 36 of Law No.2 of 2012 on Land Acquisition for Development in the Public Interest, compensation in land acquisition may be granted in several forms, namely monetary payment, substitute land, resettlement, share ownership, or any other form mutually agreed upon by the parties involved.

The law generally recognizes recipients of compensation as land rights holders in accordance with prevailing laws and regulations, including *nadzir* in the case of waqf land. However, limiting compensation solely to these parties based only on physical losses does not fully reflect the broader impacts arising from land acquisition. In practice, development activities may also generate non-physical losses affecting communities whose rights and interests related to land, buildings, crops, or other attached objects are impacted. Therefore, compensation should essentially be directed to all parties whose legal interests are adversely affected by the implementation of development for public purposes.

Furthermore, Article 42 of the same law provides that when an entitled party refuses the form or amount of compensation determined through deliberation or based on a district court/Supreme Court decision, the compensation shall be deposited with the local district court. Such compensation deposits may also occur where the whereabouts of the entitled party are unknown, or where the land subject to compensation is currently involved in litigation, ownership disputes, and confiscation by authorized officials, or is being used as collateral at a bank.

After the compensation has been paid and the release of rights has been completed, or once the compensation has been formally deposited with the district court, the ownership rights or land rights of the entitled party are legally extinguished. Consequently, the relevant proof of ownership becomes invalid, and control of the land reverts directly to the state. In this regard, land acquisition can be understood as a process of obtaining land for development purposes through the provision of proper and fair compensation to the entitled parties.

Legally, this is based on Article 18 of the Basic Agrarian Law, which states that land rights for public purposes can be revoked with appropriate compensation according to law. In this project, cash is the primary compensation to ensure the protection of the rights of private landowners.

The cash payment is determined through deliberation between the entitled party and the agency requiring the land, with the aim of reaching an agreement on the form and amount of compensation. This agreement is legally binding, based on the principle of pacta sunt servanda, and is documented in the Minutes of the Deliberation. The amount of cash is determined by an independent appraiser or KJPP, taking into account both physical (land, buildings, plants) and non-physical (economic potential, livelihood, moving costs) variables. The valuation should not rely solely on the NJOP, which is often below market value, but should comprehensively reflect the actual market value. Compensation must be reasonable to ensure the welfare of the land rights owner is not reduced post-acquisition. Cash payments ensure the voluntary release of rights, avoid disputes, and support the smooth operation of national infrastructure. If deliberation fails, the landowner has the right to object through the courts or through consignment (depositing money in court).

Compensation in the form of monetary payment is distributed through banking facilities or by another mechanism agreed upon between the Entitled Party and the Agency Requiring the Land. Upon the request of the Land Acquisition Implementer (*Pelaksana Pengadaan Tanah* / P2T), the bank establishes a savings account under the name of the Entitled Party. The payment of compensation is

subsequently carried out by the Agency Requiring the Land based on validation issued by the P2T. In practice, compensation is generally provided in cash through a "cash and carry" mechanism. Pursuant to Article 78 (1) and (2) of PP No.19 of 2021, monetary compensation must be paid in Indonesian Rupiah. The compensation payment is implemented by the Agency Requiring the Land after receiving validation from the P2T or another authorized official, and such payment is conducted simultaneously with the release of rights by the Entitled Party.

Furthermore, Article 78 (5) of the same regulation stipulates that compensation must be provided within a maximum period of seventeen days from the submission of the validation results by the P2T. The payment process is carried out concurrently with the transfer or release of land rights by the Entitled Party, accompanied by the submission of evidence of ownership of the relevant land rights. Proof of compensation payment is documented through receipts prepared in triplicate. In addition, both the payment of compensation and the release of rights are formally recorded in the Minutes of Compensation Payment and the Minutes of Release of Rights, which are signed simultaneously by the parties involved. The implementation of compensation payment is also documented through photographs and/or video recordings as part of the administrative record.

Under Article 89 of PP No.19 of 2021, the Agency Requiring the Land may submit a request to deposit compensation money with the district court having jurisdiction over the location of the public interest development project. Such application is submitted together with the deposit of compensation funds into the court's account. The deposit mechanism may be used in several circumstances, namely:

1. when the Entitled Party rejects the form or amount of compensation determined through deliberation and does not file an objection before the district court;
2. when the Entitled Party refuses the amount of compensation determined by a district court or Supreme Court decision that has obtained permanent legal force;
3. when the whereabouts of the Entitled Party are unknown; or
4. when the land acquisition object subject to compensation is under litigation, disputed ownership, confiscation by an authorized official, or is being used as collateral at a banking institution.[9]

Compensation deposited with the District Court is made in the form of cash using Indonesian Rupiah currency. The implementation of such deposit is formally recorded in the minutes of compensation deposit. In situations where a party claims control and/or ownership over the land object, and can demonstrate proof through the relevant registration number, the compensation funds deposited in the District Court cannot be disbursed to any party until there is a court decision that has obtained permanent legal force. Likewise, where the disputing parties are able to show a registration number related to a settlement agreement, the compensation money deposited in the court may only be released after the issuance of a deed of settlement or a peace judgment that has permanent legal force, as regulated under Article 94A of PP Nuo. 19 of 2021.

Furthermore, Article 4 of PERMA No. 3 of 2016 concerning Procedures for Filing Objections and Depositing Compensation with the District Court in Land Acquisition for Development in the Public Interest provides that objections may be submitted by entitled parties or their representatives who attend the deliberation but refuse the determination of compensation. Objections may also be filed by entitled parties who were absent from the deliberation and did not authorize another person through a power of attorney to represent them in rejecting the compensation determination. Referring to Article 5 of the same regulation, such objections must be submitted within a maximum period of fourteen days from the date of the deliberation results regarding the determination of compensation.

Based on the results of the KJPP assessment for land acquisition on Section 1 of the Padang Tiji - Seulimeum Road, land compensation prices are differentiated based on their designation and location. This assessment also includes compensation for assets on the land, such as growing plants and buildings (for example, a warehouse valued at around IDR 30 million per unit), data for which is collected by the BPN Task Force before being assessed by the Appraisal/KJPP team. In general, there are three main categories of land prices reported in the field:

1. Paddy land is valued between Rp 75,000 and Rp 150,000 per square meter. This value varies by village, with some areas receiving Rp 75,000 and others (such as Gampong Teungoh Drien) receiving up to Rp 108,000 - Rp 150,000.
2. Garden land is valued at around Rp 40,000 per square meter.
3. For cultivated land/forests, for land with cultivation status or within certain concessions, the price is much lower, ranging from Rp 7,000, Rp 10,000, to Rp 17,000 per square meter.[10]

The Deputy Governor of Aceh, Fadhlullah, held a meeting with the owners of cultivated land whose compensation for crops has not been settled in the Sigli-Banda Aceh Toll Road section 1 Padang Tiji - Seulimuem area, at the Gintong gas station cafe, Grong-Grong District, Pidie Regency. Before the meeting began, Deputy Governor Fadhlullah inspected several points of community cultivated areas that have not been cleared on the Padang Tiji-Seulimuem Toll Road Section 1. During the inspection, the Deputy Governor discovered various new facts related to land acquisition problems that were previously unknown. During the meeting, Fadhlullah listened to various complaints from residents who were the reasons for rejecting land acquisition, such as the compensation price for crops that was considered too low. Based on the report of the Sibanceh Toll Road Project Director of PT Hutama Karya, Slamet, it was revealed that the Padang Tiji-Seulimuem toll road section 1 still needs to be built 4 non-level crossing accesses and repair 3 vertical slopes in order to meet the Functional Feasibility Test. The construction and repairs are located in 22 priority plots of land where compensation for growing crops has not been completed. Meanwhile, Padang Sub-district Head Tiji Asriadi said that the growing crop areas crossed by the toll road are in Pulo Hagu Village and Jurong Cot Paloh Village. In Pulo Hagu Village, out of 191 land plots, 23 have been paid for, 60 have been signed but not yet paid for, while the rest do not agree. Meanwhile, in Jurong Cot Paloh Village, out of 49 land plots, 19 have been paid for, 15 have been signed but not yet paid for, and the rest do not agree. One of the owners

of the growing crop area rejected the land acquisition because the price set by the government was far from their expectations. He asked the government to review the field so that the compensation value is acceptable to the community. Land prices are considered very low, namely IDR 10,000 per meter, IDR 7,000 per meter, even one plot is only IDR 17,000. The government's determination of growing crop prices is not based on estimates. But there is a draft price provision based on the location of the land and the type of plant grown.[11]

One of the land acquisition cases that triggered a dispute that went to court was the compensation deliberation in Gampong Jurong, Padang Tiji District. P2T held the final deliberation on September 22, 2022, at the Padang Tiji District Office. The deliberation was attended by the Land Entitled Parties, Land Requiring Agencies, and the Keuchik of Gampong Jurong, Padang Tiji District for the 2020-2026 period in the context of implementing land acquisition for the Padang Tiji - Seulimeum toll road. On November 25, 2022. In the framework of submitting an objection to the determination of compensation money, dissatisfied parties are required to fulfill the stipulated formal requirements. The requirements for submitting an objection are submitted in writing in Indonesian to the Sigli District Court which contain:

1. The objection petition contains the identity of the applicant, including name, age, address, and occupation, namely the holder of land rights located in Leuhop Paloh Village, Padang Tiji District. In submitting the objection, the applicant is represented by legal counsel from Commanders Law Firm, whose office is situated on Jalan Cot Mee II, Batoh, Luengbata, and Banda Aceh.

2. The petition must also specify the identities of the opposing parties, including the relevant Regional Office of the National Land Agency (BPN) or Regency Land Office, as well as the institution requiring the land. In the present dispute, the parties consist of:
    a. Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, *c.q.* Aceh Regional Office of BPN, *c.q.* SIBANCEH Toll Road Land Acquisition Implementer (P2T), having its office at Jalan T. Nyak Arief, Lamgugob Village, Syiah Kuala, Banda Aceh, acting as the Defendant;

    b. Ministry of Public Works and Public Housing, *c.q.* Directorate General of Highways, *c.q.* Directorate of Toll Roads, located at Jalan Pattimura No. 20, Kebayoran Baru, South Jakarta, as the agency requiring the land and acting as Co-Defendant I;

    c. Ministry of Home Affairs, *c.q.* Governor of Aceh, *c.q.* Regent of Pidie, *c.q.* Head of Padang Tiji District, *c.q.* Head of Cot Paloh Village, domiciled in Gampong Cot Paloh, Padang Tiji District, Pidie Regency, Aceh, acting as Co-Defendant II.

3. The application must include a detailed and unambiguous description of the location designated for the development project.

4. The petition should also contain information regarding the date and venue of the deliberation on compensation determination, together with the minutes of the deliberation, provided that the applicant possesses such documents.

5. In addition, the application must clearly explain the legal basis of the objection, including the applicant's legal standing as an Entitled Party. It should further describe that the objection was submitted within fourteen days after the compensation deliberation, especially where the applicant holds documentary evidence of the deliberation results. The grounds of objection must specifically demonstrate that the form and/or amount of compensation determined has caused prejudice or loss to the applicant.

6. The relief sought in the objection petition generally includes the following requests:

1. Granting the objection submitted by the applicant;
2. Determining the form and/or amount of compensation in accordance with the applicant's claim;
3. Ordering the respondents to pay compensation consistent with the applicant's demands; and
4. Ordering the respondents to bear the court expenses incurred in the proceedings.[12]

The objection application may additionally be submitted in electronic form using a compact disc or other similar digital storage media. Following the submission of the application, the Registrar carries out an administrative examination and reviews the preliminary evidence attached to the objection petition. After the court fees are paid by the Entitled Party through the designated bank, the case is officially registered under Number 21/Pdt.G/2022/PN Sgi and subsequently forwarded to the panel of judges for further adjudication.

The objection was primarily filed because the compensation amount determined through the assessment conducted by the Public Appraisal Services Office (KJPP), despite its independent and professional authority, was considered by the Entitled Party to be significantly lower than the 2022 NJOP. In addition, plants and other objects attached to the land owned by the Entitled Party had already been included in the Nominative List issued by the Head of the Land Acquisition Implementer (P2T), together with the compensation valuation prepared by the KJPP. This situation created uncertainty for the Entitled Party regarding the actual compensation to be received, which was perceived as unfair and inconsistent with the principles of justice underlying land acquisition for public purposes.

In practice, the implementation of land acquisition frequently relies on the NJOP as the benchmark for determining compensation. Conversely, the Entitled Party often bases its valuation on prevailing market prices or actual sale and purchase values, and in some cases demands compensation amounting to three or four times the NJOP value. Such demands generally arise because the Entitled Party expects that non-physical losses should also be taken into account as part of the compensation. Although willing to relinquish the land for development purposes, the Entitled Party requested that the government determine a compensation value that is reasonable and proportionate. This request was based on the consideration that fair compensation could later serve as capital for future

economic activities, particularly because the land in question constitutes a productive area that not only functions as a densely populated residential zone, but also serves as an important economic center for the Padang Tiji community.[13]

Based on the lawsuit, the Entitled Party owns a plot of land in Gampong Cot Paloh, Padang Tiji District, acquired through a sale and purchase in 2004 under Deed of Sale and Purchase No. 95/PT/VII/2004, covering an area of 14,400 m². In 2017, part of this land was subject to land acquisition for toll road construction. Based on P2T measurements, the land area affected by the acquisition was 7,090 m² with Nominative Number 79 and NIS 629. The remaining land area was 7,310 m², as legalized on page 2 of the Deed of Sale and Purchase. The deed was not revoked because there was still remaining land. If there is no remaining land, the deed of sale and purchase as the basis for the land title must be revoked in accordance with applicable regulations.[14]

During the land marking and measurement, errors and mistakes occurred because the land boundaries were indicated by the local Keuchik (village head), who is not the landowner, so the boundaries do not align with the basis for the land title. This is inconsistent with Article 18 of Law No. Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest stipulates that initial data collection on the planned development location includes collecting initial data on the Entitled Parties and Land Acquisition Objects. Based on the Explanation of Article 34 (1) of PP No.24 of 1977 concerning Land Registration, before carrying out legal actions regarding a particular land plot, interested parties need to know the data regarding that land plot. Due to the open nature of physical and legal data stored in registration maps, land registers, land books, and measurement letters, anyone interested has the right to know the necessary information.

If the Head of the National Land Agency (BPN) ignores statutory provisions during land measurement, he or she may be subject to administrative sanctions for errors in land registration. If errors are found in the base map or measurement drawing, the Head of the BPN is obliged to correct them. If the land measurement does not match the certificate plan, the Head of the BPN is administratively responsible, and the error must be corrected through a Correction Report in accordance with Article 41 and Article 41A of Regulation of the Minister of ATR/Head of BPN No. 16 of 2021 concerning the Third Amendment to Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency No. 3 of 1997 concerning Implementing Provisions of Government Regulation No. 24 of 1997 concerning Land Registration. This provision indicates that errors in land measurement are indeed possible, especially in toll road construction projects. The assumption that the results of measurements by the National Land Agency, hereinafter referred to as the BPN, are always correct and infallible is a mistaken view.

On February 28, 2020, the land affected by the toll road belonging to the Entitled Party had been paid compensation according to the Nominative list. In 2021, the Entitled Party wanted to see the remaining land as acknowledged by the P2T which had been drawn or legalized on page 2 of the Deed of Sale and Purchase, it turned out that the remaining land of the Entitled Party had all been filled for the construction of the Sigli - Banda Aceh Toll Road Section 1 Padang Tiji - Seulimeum. Seeing this condition, the Entitled Party filed a protest with the P2T but for a year did not receive a response from the P2T. The Entitled Party's protest was only responded to after the Entitled Party fenced off the unpaid land. It was only on September 22, 2022, that a meeting was held at the Padang Tiji Sub-district Office for deliberation. The deliberation was attended by the Entitled Party, P2T, Agencies Requiring Land, and the Keuchik of Gampong Jurong, Padang Tiji Sub-district. Following the deliberation, a review and measurement of the disputed land continued. During the meeting and field inspection, it was explained that the remaining land had been incorporated into the land of Asmunir (husband), the Entitled Party. This explanation contradicts the law because the Entitled Party's land is based on a Deed of Sale and Purchase, while Asmunir's land is based on a Deed of Grant. Each land has different boundaries and area. The P2T's action to incorporate part of the Entitled Party's land into Asmunir's land must also obtain the consent of both parties.[15]

The Entitled Party is not the party rejecting the amount of compensation. In fact, the Entitled Party strongly supports the construction of Section 1 of the Padang Tiji-Seulimeum toll road by willingly relinquishing land rights for the public interest. However, the Entitled Party is not willing to accept losses for the landowner due to negligence and errors in field measurements. On September 22, 2022, a re-measurement was conducted at the disputed land location at two points on the land of the Entitled Party that had underpaid, namely the first point measuring 2.5 x 106 m2 and the second point measuring 40.5 m2 x 99.5 m2. As of the filing of this lawsuit, the results of the re-measurement have not been submitted by the P2T to the Entitled Party or followed up. Due to the underpayment, the Entitled Party is demanding compensation for the underpayment in accordance with applicable laws and regulations.[16]

Conclusion

The compensation process for land acquisition for the construction of Section 1 of the Padang Tiji-Seulimeum Toll Road has been implemented in accordance with Law No.2 of 2012 and it’s implementing regulations. The compensation mechanism is carried out through deliberation between the entitled party and the agency requiring the land to determine the form and amount of compensation. The compensation provided is cash through a cash-and-carry system, with an assessment conducted by the Public Appraisal Services Office (KJPP), taking into account both the physical and non-physical aspects of the land.

One land acquisition case that triggered a dispute that ultimately went to court was the compensation deliberation in Gampong Jurong, Padang Tiji District. The P2T held its final deliberation on September 22, 2022, at the Padang Tiji District Office. The deliberation was attended by the Land Entitled Parties, Land Requiring Agencies, and the Keuchik of Jurong Village, Padang Tiji District, for the 2020-2026 period, in connection with the land acquisition process for the Padang Tiji-Seulimeum toll road. The meeting was held on November 25, 2022. In order to file an objection to the compensation determination, dissatisfied parties are required to comply with the established formal requirements. The objection must be submitted in writing in Indonesian to the Sigli District Court.

The objection was filed because the compensation assessment by the KJPP, which has professional and independent authority, was considered by the Entitled

Parties to be very low compared to the 2022 NJOP. Plants or other objects related to the Entitled Parties' land are listed on the Nominative List issued by the Head of the P2T, with the compensation assessment conducted by the KJPP. This created uncertainty regarding the amount of compensation the Entitled Parties would receive, which they perceived as unfair and unreasonable, far from the principles of justice in land acquisition.

Suggestions and Recommendations

It is recommended that the government and the P2T continue to improve the quality of compensation provision in land acquisition by prioritizing the principles of transparency, fairness, and public participation. The deliberation process should be conducted openly and communicatively so that entitled parties understand the basis for the assessment and the form of compensation provided. Furthermore, the Public Appraisal Services Office is expected to conduct more accurate, objective, and on-the-ground assessments, taking into account the economic and social value of the land affected by the land acquisition. The government also needs to conduct intensive outreach regarding the land acquisition and compensation mechanisms to minimize future objections and disputes.

It is recommended that the government, P2T, and Land Requiring Agencies further enhance the effectiveness of deliberations in resolving compensation disputes by prioritizing the principles of transparency, openness, and legal certainty. A detailed explanation of the basis for determining compensation amounts should be provided to the public to avoid misunderstandings or rejections. Furthermore, more thorough land data collection and measurement, along with clarity regarding land boundaries and ownership status, are needed before compensation is determined, to avoid disputes related to claims for remaining land or problematic land objects. The government also needs to improve coordination between P2T, KJPP, local governments, and the community to ensure the land acquisition process runs more effectively and minimizes litigation. The community is expected to cooperate and provide clear evidence of land ownership so that the dispute resolution process can be carried out quickly, fairly, and provide legal certainty for all parties.

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