

Implementation of Land Revenue for The Construction of Toll Road from Pandaan to Malang

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ABSTRACT

The purpose of this study is to understand how landowners make payments for development according to Law No. 10. Law No. 2 of 2012 regarding the process of legal solution in case of land acquisition for public benefit development and right holders not accepting the decision and/or money amortization study. The research used in this article is legal research and the following points can be deduced: (1). Payments are made in accordance with Law No. 1. The "Public Development Research Report" No. 2 of 2012 states that the payment to the right holders during land acquisition is reasonable and fair. The compensation amount is calculated based on the base parcel, including land, aboveground and underground, buildings, factories, underground equipment and other damages. According to the analysis of the payment, payments can be made according to money, land transfer, relocation, equity capital and other agreements to be made by both parties. (2). In other words, the legal solution to payment problems is that in case of objection to the document and payment, the beneficiary can appeal to the regional court within 14 business days after signing the payment document. Additionally, the District Court has the authority to determine the form and/or compensation within 30 business days from receipt of the complaint. Those who object to the decision of the regional court may appeal to the Court of Cassation within 14 working days. In this case, the Court of Cassation must make a decision within 30 working days after receiving the application for decision.

Keywords:

Compensation, Land Acquisition, Procedures

INTRODUCTION

Land is the most important thing in human life, and it is also considered a permanent asset that can be preserved for the future. Today, there are very few "free" state lands that do not belong to the public or other interests. The importance and role of land in Indonesian life includes not only material but also social, economic, cultural, political ownership, land security and law. Land has many meanings for societies. From an economic perspective, land is a productive asset that can lead to prosperity. Land can determine the position of a person in society politically and culturally determine the relationship of the owner.

The development of Indonesia is under the authority of the 1945 Constitution and continues to grow every year. Growth is one of the means or volume of prosperity, so the country and Indonesia itself are often involved in development activities, one of which is the promotion of public interest. The development of public interest is the beginning of meeting the needs of the people to achieve the health and well-being of the Indonesian people, which is the responsibility of the Indonesian government. With the development of public interest, state landowners also began to use, but due to the restrictions of state landowners, a policy was implemented that the land should be used in the community to which it is entitled. The land to be developed is the land that has received a certificate. Today, it is quite difficult to carry out development activities for the public benefit of state lands, so it is necessary to have land rights in order to ensure that development gradually develops for the public benefit. The way to acquire

land is called land acquisition. In this case, since land is the main capital of development activities, land plays a very important role in the success or failure of the growing highway. The development of Indonesia is under the authority of the 1945 Constitution and continues to grow every year. Growth is one of the means or volume of prosperity, so the country and Indonesia itself are often involved in development activities, one of which is the promotion of public interest. The development of public interest is the beginning of meeting the needs of the people to achieve the health and well-being of the Indonesian people, which is the responsibility of the Indonesian government. With the development of public interest, state landowners also began to use, but due to the restrictions of state landowners, a policy was implemented that the land should be used in the community to which it is entitled. The land to be developed is the land that has received a certificate. Today, it is quite difficult to carry out development activities for the public benefit of state lands, so it is necessary to have land rights in order to ensure that development gradually develops for the public benefit. The way to acquire land is called land acquisition. In this case, since land is the main capital of development activities, land plays a very important role in the success or failure of the growing highway.

Nowadays, development has increased but the material has not changed or remained constant. In this case, there is a conflict because there is a mismatch between public interests and private interests. Whether it is the construction of roads in the slums of the city or the expansion of urban planning, all efforts towards urban development always require land for these reasons. , can we achieve a right and prosperous life? The success of development will strengthen the social structure and increase people's awareness of the importance and benefits of development, thus strengthening people's determination to create a just and prosperous society based on Pancasila and the 1945 Constitution. Therefore, according to the instructions of President Joko Widodo, the East Java government has begun planning the Bandan-Malang toll road, as well as four road construction projects in other parts of Indonesia. The construction of the toll road from Pandan to Malaang began in 2017.

According to information from the East Java Provincial government, the total length of the toll road from Pandan to Malang is 38.688 kilometers and is divided into three sections. Section I (Pasuruan City) is 26.613 miles, Section II (Malang City) is 34.45 miles, and Section III (Malang City) is 0.625 miles. The agreement was signed by the Toll Administration Policy (BPJT), Ministry of Public Works and Housing Development, and Toll Trade. The Pandaan-Malang Toll Road is a continuation of the 13.6 km Gempol-Pandaan Toll Road, which started in June 2015. The plan is to connect the toll road to the Surabaya-Malang highway in Pandaan, Purwosari and Pasuruan districts. According to the East Java provincial government, not even half of the land regulations are safe yet.

Land issues are a very important issue during development. Therefore, this is often an important issue. In our country, 80% of Indonesian people are still dependent on land trade for livelihood and income. The increase in population and the decrease in the amount of land cultivated or cultivated will cause problems in the economy of the society. The decrease in agricultural land in terms of landowners or management is due to many factors: the use of valuable land for non-commercial agriculture, such as the expansion of cities or residential areas, the construction of factories, schools, payment methods, etc. The Pandan-Malang toll project will cover 14 villages in Malang city. The project is currently in the land acquisition stage. The 14 villages are divided

into three districts, namely Pakis, Singosari and Lawang. The total length of the toll road from Pandan to Malang is 37.618 km, of which 20.5 km will pass through Malang City. For this purpose, 183 hectares of land need to be purchased. Ways to remove land rights (onteigening) (Onteigening as a last resort to find land for public benefit, 2013). Meanwhile, the residents of Madyopuro village, which is directly affected by the Pandaan-Malang Road plan, do not oppose the project, and the residents support and follow the entire process starting from the notification, relationship and data collection of the affected land and buildings on the phone. number. project.

Residents of Madyopuro village, which is directly affected by the Pandaan-Malang toll road construction, believe that the Malang City Committee Land Project (P2T) was not taken into account by the Indonesian National Defense Agency (BPN) in the process of determining the price. Indonesia exercises its procedures and rights stipulated in Article 34, paragraph 3, paragraph 2 of Law No. 6. 2/2012, Article 34, paragraph 3, 2012 (Hutabalian, 2022; Maslon Hutabalian, 2022), Presidential Decree No. 71 of 2012. 2012 Section 70, Sections 2 and 3. The minutes of the meeting approve or reject the financial assessment. P2T warned that if a resident disagrees, the case will be sent to the Malang City Court within 14 days after the decision of the outcome. This issue was mentioned in the invitation to review the meeting to decide on the payment for land purchase (Aldi et al., 2023; Permanasari and Gunanegara, 2023; Runtukahu and Pondaag, 2022). The negotiation of the form and payment is usually the longest and most lengthy process because there is no agreement between the parties involved. This will cause harm to the people. Many problems that may arise during the construction of the toll road from Pandan to Malang need to be resolved as soon as possible. The success of the toll road development project from Pandan to Malang requires the local government and the city to cooperate. It is hoped that the construction of this toll road will not only solve the traffic problem from Surabaya to Malang, but also will not cause suffering to the people whose lands have been taken away. The development of this project is a solution for the residents and the government. Therefore, in the future, East Java Province will grow more and more due to this transportation area.

METHOD

The type of research used in writing this research is forensic empirical legal research. Legal research is the study of actual events or situations occurring in society with the aim of understanding and finding needed facts and information. Laws on public revenue from land, empirical research (local research) or field research are the examination of layers of symptoms, situations and conditions that occur in communities, organizations or countries. or facts of public interest in the process of paying for land acquisition (Caesar, 2017) normative empirical legal research (constructive legal research) (Pradhani, 2020; Sonata, 2015), is a normative-empirical legal document in the form of a legal product Especially to the people directly affected by the construction of the panda base Research on the status of land payments for public benefit, including.

RESULT AND DISCUSSION

1. Determination of Compensation in Land Acquisition for Development Interests according to Law No.2 of 2012 on Land Acquisition for Development in the Public Interest

Planning of necessary facilities and infrastructures to promote economic development, especially construction, public health and ease of transportation in areas of Pakistan where large areas of land are needed for development. Not all development lands belong to the government; most of them are community-owned. Therefore, the development of public interest cannot be separated from the responsibility of the community. In order to acquire land for the construction of public infrastructure such as the Malang-Pandan Toll Road, the government needs to acquire the land to use the project for public benefit. Newspapers reporting on the construction of the Malang-Pandan Toll Road said that the land payment process was considered unfair to the residents as landowners. Some⁵⁴ Bambang Tri Cahyo, Agricultural Economics, (Yogyakarta: Liberty, 1983), p. 16. Residents complained that the price offered was too low and inconsistent with the land and property sales price. Many people also said during the public consultation that the Committee Labor Review paid too high a salary, but the salary was good.

According to the relationship, some people also complained that the payment for the buildings and facilities of the people on the land was not included in the payment, and the payment period and the usage period were too strict. Due to the interests of the land, not everyone can get this right at present, and some people believe that this harms the people living in the landowners. However, some people understand this correctly.

Therefore, in practice, the author conducted research directly with Law No. 650. Decree No. 6654 on Land Acquisition for Public Development Purposes, 2012. We are preparing an insurance policy for: money transfer of land; The Committee is authorized by the chairman/mayor. Jakarta Provincial Capital Region Land Acquisition Committee is established by the Governor. Land acquisition in two or more regions/cities should be carried out with the help of the State Acquisition Commission established by the Governor. Land purchases in two or more states shall be made with the assistance of a Land Purchase Committee composed of federal and city officials established by the Secretary of the Interior. The members of the land survey committee referred to in items (1), (2), and (3) shall be employees of regional organizations in the country and the Ministry of National Defense.”

Article 7 of Law No. 6662 Search for laws and documents related to the delivery or surrender of land. Determine the amount to be paid for the release or cancellation of land rights. Explain or advise land right holders on land acquisition plans and targets. Meet with land right holders and government agencies needing land to determine the form and/or compensation. A person witnesses the delivery of payments for land rights, buildings, plants and other property of the land. Create a meeting schedule for the release or cancellation of land rights. Manage and collect all land purchase documents and send them to authorized persons.

With the publication of Law No. 2/2012, differences have emerged in the process of land acquisition for public benefit. According to Article 10 of Law No. 6564. The government or local government acquires lands that are not for public benefit through sale, exchange or other means voluntarily accepted by both parties.

According to Law No. 2 of 2012, it can be determined that the acquisition of land

by the public or local government for public benefit is done through the release or abandonment of land rights. profit is obtained through the release or abandonment of land rights. .

Here the land acquisition team should conduct social/consultation to explain the benefits, purposes and goals of the development to the community in order to obtain the approval of the government to pay for their land. The meeting was held at the place specified in the invitation letter of the Pakistan Street Land Acquisition Committee. In the Pakistan distribution, these activities were carried out in all village houses in the villages affected by the construction of the Malang-Pandan toll road. Such as Tirtomoyo, Asrikaton, Ampeldento and Sekarpuro villages. The payment for the acquisition of land for the Malang-Bandaan Toll Road, a public construction project of the government in the Pakistan region, will be used for the land owners according to the relevant laws. As a group of people seeking land and living on land affected by land acquisition, the government does not think there is any harm in the money paid for the construction of the Malang-Pandan toll road. The reason why it is used as a guide is that the interest of the public takes precedence over personal interest in the good. The community also benefited from the construction of the Malaang-Pandan toll road.

2. Implementation of Compensation Payments in Land Acquisition for the Construction of the Pandaan-Malang Toll Road for the Public Interest in Madyopuro Village, Malang City

The public interest process for finding land for the construction of Pandaan-Malang Toll Road in Madyopuro Village, Malang City shall go through various interest levels according to the regulations of Law No. 1 on Public Land Acquisition. Presidential Decree No. 2 of 2012 and Presidential Decree No. 71 of 2012, No. 30 / 2012. The third amendment to Presidential Decree No. 71 of 2012 on the use of land for public development purposes. The law providing for the establishment of the Land Acquisition Commission (P2T) contains the amendment of Presidential Decree No. 1664. Law No. 36 of 2005 on land acquisition for public benefit use. The Public Procurement Committee (P2T) is responsible for the land acquisition for the public benefit construction of Pandaan-Malang Toll Road in Madyopuro Village by the authorities of Malang City, regional authorities and the Department of Defense. - The financial assessment of land use for Malang Toll Road is carried out by the Public Works Department (KJPP). Abdullah Fitranto and his partners have determined the cost of land and housing for residents affected by the construction of Pandan-Malang Road. , this road is located in Jl. Ki Ageng Gibrig, Madyopuro Village, Malang City, according to letter No.04/KEP.35.73/P2T/X/2015. According to Article 32(1) of Law No. 12 of 2012, the assessment judge should be responsible for the assessments made.

Various activities were carried out by the Committee on Commerce (P2T) and stakeholders, such as: Discussions on the use of land and infrastructure for the implementation of toll construction were held on 23 April 2014 at Madyopuro Village Hall on 17 September 2015. The land acquisition plan and program for the construction of the toll road from Pandan to Malang were made public and the activities were approved by the public; publication phase, 2 October 2015, second phase publication date 13 October 2015, third phase publication date 29 October 2015, (exact) determination of the names of the community power affected by the land purchase on 23 November 7 January 2015, the land approved on 7 January 2015 being sent back,

It was re-announced on January 7, 2016 to residents who did not accept the payment period or did not consider the payment period valid, and the revised results and public review were submitted for review on January 7, 2016. retirement care.

The author believes that the use of funds to purchase land for the construction of the Pandaan-Malang Toll Road in Madyopuro Village, Malang City, the assessment was conducted by Business Administration (P2T). Abdullah Fitranto of the Public Assessment Service Office (KJPP) and partners in charge of the Department are assessing the cost of compensating residents affected by the construction of the Pandan-Malang Toll Road for loss of land and housing. The payment of compensation was decided following discussion between the Committee on Commerce (P2T) and residents affected by the Pandaan-Malang Toll Road project in Madyopuro Village, Malang City. The 2005 regulation says negotiation is about the process of listening to each other, putting forward and accepting views, and hoping to reach agreement on land issues such as title and compensation. Purchase of parties and parties needing land for buildings, facilities and other equipment on the land. purchases made e.g:

Acquisition of land for the purpose of public interest exercise for development purposes requires a discussion to reach an agreement on: public interest exercise on the form and place of payment; Additionally, the Public Interest Research Law No. 2 of 2012 states that direct negotiations between rights holders on land, real estate, plants and other land-related products and the Research Committee must be a government agency or local. Federal government. Paragraph (1) is carried out by the Board of Trade, the public institution or local government that needs the land, and the representatives chosen by the rights holders as their representatives. Representation of the beneficiary must be made in writing or by a letter of appointment/authorization before the authorized officer, with sufficient responsibility known to the local leader/Lula. The law on land acquisition for the purpose of improving public interest is included in Law No. 6563. Paragraphs (1) and (2) shall be the Chairman of the Audit Committee.

According to the law numbered. Public health promotion should be reviewed under Law No. 2 of 2012 on land use for the promotion of public health. The purpose is to determine the payment price according to the agreement between the organization in need of land and the landowner. Decisions should be made directly between the authority in need of land and the rightful owner or a representative to be appointed by them and the joint authority of the Land Management Committee. The government has a good relationship with the community and the landowners will receive the land for the construction of Pandan with a toll to Malaang. Regarding the review of the land purchase for the construction of the Pandaan-Malang toll road in Madyopuro Village, Malang City, the competent authority announced that the P2T BPN Malang City approach did not meet the criteria of Review 2012 No. 1. 2, Article 37 (1) The conditions are as follows: The customs administration shall hold a meeting with the beneficiary to determine the form and/or compensation within thirty (thirty) working days from the date of sending the assessment results to the customs administration. Land acquisition for the Pandaan-Malang Toll Road in Madyopuro Village of Urban has not yet been completed. The author of the interviews with representatives of the communities with land rights is Dikelurahan Madyopuro: On April 23, 2014, the Malang City Government invited community residents to participate in the relationship between the land acquisition work for vehicle construction. On September 10, 2015, the director of the BPN Malang City Land Acquisition

Implementation Bureau (P2T) invited the affected persons to discuss and collect information about the beneficiaries. On November 23, 2015, the director of the BPN Malang City Land Acquisition Implementation Bureau (P2T) invited residents to discuss the payment decision.

The residents saw that during the deliberation process of determining the value of compensation, the Land Acquisition Executive (P2T), BPN Malang City did not carry out the mechanisms and rules as stipulated in Law No. 2 of 2012 and Presidential Regulation No. 71 of 2012. Because in reality in the field, on that day the P2T committee of BPN Malang city immediately determined the compensation value by giving two options (AGREE or DISAGREE). P2T did not explain the discussion process, what issues were discussed and did not give residents the opportunity to express their views. Residents believe that decisions were not made and therefore there was no agreement to reach decisions and decisions; therefore, residents believe that all decisions were the product of the P2T BPN Malang City Committee and were illegal. At the end of the meeting, citizens protested and did not accept the payment decision.

With this fact, related to land acquisition for the Pandaan-Malang toll road in Madyopuro Village, Malang City, the landowners stated that (LETTER OF DISAGREEMENT), "strongly objected and disagreed with the results of the determination of land acquisition losses for the construction of the Pandaan-Malang toll road held by the Land Acquisition Committee (P2T), BPN Malang City on Monday, November 23, 2015 at the Madyopuro Village Office hall".

The objection and disagreement of the residents is based on the fact that: The principle of toll road procurement and land/soil acquisition has a direct impact on development and community welfare.

Land acquisition should not harm the economy, society and culture of the society. Land expropriation is paid, not paid. In the meeting, the people, especially those affected by the construction of the toll road, protested on the following grounds: (1 time). (Failure to comply with Article 70, paragraphs 2 and 3 of Presidential Decree No. 71 dated 2012). The decision-making process is based solely on the unilateral evaluation of the Land Users Committee (P2T). (The affected people were not given the opportunity to express their feelings, so it can be concluded that this was not well thought out). The National Working Group (P2T) is not transparent about the land price per square meter for all land uses. The determination of payment costs is also far from reasonable and fair and the expectations of the affected communities for the improvement of their health. The price paid is not comparable and is not reasonable if the land and buildings are similar. The society is afraid.

Therefore, it can be concluded that the land acquisition process for the construction of Pandaan-Malang toll road in Madyopuro Village, Kedungkandang District, Malang City did not follow the criteria specified in Section 1 of Law No. 2 of 2012. The discussion or decision process to reach understanding and agreement on land acquisition and development plans in the public interest. It constitutes the basis for making payment decisions. "In accordance with Article 37 of Law No. 2 of 2012, within 30 (thirty) days from the date of sending the price determination results to the Ministry of Commerce, the Ministry of Labor shall hold a meeting with the entitled beneficiaries to determine the form and/or the measure of the Ganti mentioned in the Kerugian assessment results, considering the Ganti Kerugian situation in Section 34.

Paragraphs 2 and 3 of Article 70 of the Presidential Decree No. 70 71/2012 —

(2). In case of failure to reach an agreement, the decision specified in paragraph (1) shall be taken more than once (once). (3) The decisions specified in paragraphs (1) and (2) shall be made within 30 (thirty) working days at the latest from the date of sending the results of the expert control to the Head of the Cadastre. Paragraph 1 of Article 72 of the Law - The results of the agreement made after the examination shall be the basis for providing subsidies to the rightful owners specified in the text of the contract document.

3. Legal efforts made by the community in Madyopuro Village, Malang City in the implementation of land acquisition for the construction of the Pandaan Malang Toll Road.

That is, in case of objection to the form and payment, the rightful owner can usually file a complaint with the regional court within 14 working days after signing the examination. Article 73, paragraph 1 of Presidential Decree No. 6662. specified period. Meanwhile, paragraph 3 explains that a party challenging the decision of the regional court referred to in paragraph 2 may appeal to the Supreme Court within 14 working days. Section 4 explains that the Supreme Court must issue its decision within 30 working days after receiving the application for decision. According to the author's interview with one of the affected landowners, Endi Sampurna, president of the Forum for Communication with Persons at Risk (FKWT), on March 20, 2017, land expropriation uses land expropriation without any effort to determine compensation according to the procedures specified in Chapter 1, Section 34, Section 3 of UURI No. 1. Article 2, Articles 37 and 70, paragraphs 2 and 3 and Article 72, paragraph 1 of the Presidential Decree No. 71 of 2012. Because in fact, P2T, namely BPN Malang City, decided to pay without going through the review process and only gave residents 14 days to sign the contract interpretation or disagree with the financial assessment results. P2T actually warned that if a resident disagrees, the case will be sent to the Malang District Court within 14 days after the payment decision.

Therefore, the author believes that it is necessary for the Forum for Communication with Vulnerable Persons (FKWT) to file a lawsuit for the right to payment against the land acquisition authorities at the Pandan-Malang Toll Road crossing because the director of the National Land Office (BPN)) Malang City (P2T) did not comply with Law No. 1. Presidential Decree No. 2 of 2012. Law No. 71 of 2012 simply put into effect by determining the amount of compensation without review. Residents have 14 days to sign that they approve or disapprove of the payment. The collection of assessment results is considered incomplete and inappropriate. important. By preserving the legal protections for the people, they can be given the opportunity to object or express their opinions before the government decides to use the correct form. Crisis prevention is used to resolve problems arising from the implementation of government decisions by the State Administrative Court or ordinary courts.

CONCLUSION

The payment decision for the purchase of land for the construction of Pandaan Malang Toll Road is based on the Public Benefit Development Land Acquisition Law No. 1. It was decided after a discussion between the Land Trust Committee (P2T) and the residents of Pandaan-Malang. Road Payment Development Project in Madyopuro Village, Malang City. The use of land revenue for the construction of the public health Pandaan-Malang Toll Road in Madyopuro Village, Malang City is carried out by the

Assessment Operations Committee (P2T), namely the Public Valuation Office (KJPP) Abdullah Fitranto and Partners. The Pandaan-Malang Toll Road Valuer is responsible for the land and gardens affected by the development. The payment of compensation was decided after a discussion between the Commerce Committee (P2T) and the residents affected by the Pandaan-Malang Toll Road project in Madyopuro Village, Malang City. Regarding the review of land acquisition for the construction of the Pandaan-Malang Toll Road in Madyopuro Village, Malang City, the official explained that there is no review process as P2T BPN Malang City is doing it.

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