

LAND ACQUISITION POLICY FOR THE DEVELOPMENT OF PUBLIC INTERESTS IN DKI JAKARTA: A CASE STUDY OF LAND USED FOR THE EAST FLOOD CANAL IN EAST JAKARTA

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Abstract : *This study aims to analyze how the process of Land Acquisition for the Development of Facilities in the Public Interest of DKI Jakarta is based on Law no. 2 of 2012 and focused on case studies in the City of East Jakarta which were used for "East Flood Canal (BKT)" and analyzed how problems arose in the implementation of land compensation for development facilities for the public interest of projects in DKI Jakarta. The research method used in this study is a normative research method, namely legal research conducted by examining laws and regulations applied to a particular legal issue and interviews with community members who are victims of evictions for development purposes. The results of the study show that the form of compensation regulated under Presidential Decree No. 55 of 1993 is better than Presidential Regulation No. 36 of 2005 and Law no. 2 of 2012, because it is supported by the Regulation of the State Minister for Agrarian No. 1 of 1994 which determines the amount of compensation based on the type of land rights owned by community members and without eliminating rights for community members who occupy land without rights (illegal) and the provision of compensation money.*

Keywords : *Land Acquisition Policy, Public Interest, East Flood Canal*

Abstrak : Penelitian ini bertujuan untuk menganalisis bagaimana proses Pengadaan Tanah Untuk Pembangunan Sarana Kepentingan Umum DKI Jakarta berdasarkan Undang-Undang No. 2 Tahun 2012 dan fokus pada studi kasus di Kota Jakarta Timur yang digunakan untuk "Saluran Banjir Timur (BKT)" dan menganalisis bagaimana permasalahan yang timbul dalam pelaksanaan kompensasi tanah untuk fasilitas pembangunan proyek untuk kepentingan umum di DKI Jakarta. Metode penelitian yang digunakan dalam penelitian ini adalah metode penelitian normatif, yaitu penelitian hukum yang dilakukan dengan mengkaji peraturan perundang-undangan yang diterapkan pada suatu permasalahan hukum tertentu dan wawancara terhadap anggota masyarakat korban penggusuran untuk tujuan pembangunan. Hasil penelitian menunjukkan bahwa bentuk kompensasi yang diatur dalam Keputusan Presiden No. 55 Tahun 1993 lebih baik dibandingkan dengan Peraturan Presiden No. 36 Tahun 2005 dan UU No. 2 Tahun 2012, karena didukung oleh Peraturan Menteri Negara Agraria Nomor 1 Tahun 1994 yang menentukan besarnya ganti rugi berdasarkan jenis hak atas tanah yang dimiliki oleh masyarakat dan tanpa menghilangkan hak bagi anggota masyarakat yang menempati tanah tanpa hak (ilegal) dan pemberian uang ganti rugi.

Kata Kunci : Kebijakan Pengadaan Tanah, Kepentingan Umum, Banjir Kanal Timur

INTRODUCTION

In the development process that involves the issue of land acquisition, especially those related to the issue of taking land, also known as land acquisition/procurement of land belonging to residents or the community for the benefit of road construction, this is a controversial issue. On the one hand, this is in line with government policies to implement decentralization and full autonomy, especially in the land sector. In recent years, there have been various differences in understanding and implementation in the field of land management, especially at the provincial and district/city levels.

Problems in the land sector such as problems with land institutions, human resources, finance, and the emergence of various land conflicts that occurred in the past must be resolved immediately, because the demands for land development are so urgent, while on the other hand land supplies are starting to feel difficult (Mulyadi, 2016). On the one hand, land is needed by community members as a place to live and a place for their livelihood, on the other hand, land is also very necessary for the implementation of development. If there is not enough land available for development purposes it will stall (Abdurrahman, 1996).

Considering that land is increasingly important for the implementation of development, both from a socio-economic and political perspective, the government must be able to guarantee the availability of land to build the infrastructure and facilities needed for development. This is certainly not an easy task, in practice it often happens that the land needed for a development project is already being used for other purposes which cannot be changed for projects that have been planned. Even in densely populated areas, almost all of these lands are privately owned by the people (Soemardjan, 1993).

The need for the implementation of a development project cannot be delayed any longer or the location of a development project cannot be transferred to another location due to technical and economic reasons, so evictions or expropriation of people's land rights often occur. Not infrequently it happens that the lands that are evicted or taken over are fertile agricultural lands and residential areas (Sudrajad, 1995). Erman Rajagukguk (1995) stated that since independence, disputes regarding land between the people and the government in general have occurred due to different views regarding the concept of land rights. This difference of opinion is not new because it has been going on for a long time. Conflicts related to land issues are increasing. This is due to the increasing population but the land area has not changed.

In connection with problems related to land that are increasingly occurring, the Indonesian government also enacted Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest. This Law was drafted with the aim that the rights of the parties can be guaranteed in the land acquisition process, in this case the community and the government. However, in practice, people who own land have not been treated fairly and democratically in land acquisition practices. Conflicts often occur, especially regarding compensation.

The government in the context of land acquisition has made various efforts, one of which is to carry out evictions. In an effort to eviction the government does not necessarily do it without efforts to compensate and pay attention to statutory principles, because not a few of the people around the banks of the East Flood Canal have land certificates. The evictions carried out by the government did not just happen because there were still parties who refused to be evicted. These parties include parties who do not agree with the evictions, parties who do not accept the compensation provided by the Government. The parties disagree with the evictions because the community's concern for sacrificing their residence for the development of public interests is still considered low.

Based on the problems above, it is necessary to conduct research/study on both the existing land law instruments and their impact on society as a result of the implementation of the land law provisions. This research will focus on case studies of land acquisition for development activities in the public interest in the City of East Jakarta which are used for the "East Flood Canal (BKT)". This research is aimed at answering the questions: (1) What is the process of Land Acquisition for the Construction of DKI Jakarta Public Interest Facilities? and (2) What problems arise in the implementation of land compensation for development facilities for public interest projects in DKI

Jakarta? The results of this study will contribute to stakeholders, especially policy makers related to legal issues regarding land acquisition for the development of public interests in DKI Jakarta.

RESEARCH METHODOLOGY

In this study, the type of normative legal research is used. What is meant by normative law or doctrinal law is research focused on literature or secondary data (Sukanto and Mamudji, 2003). This research is intended to examine land acquisition for development in the public interest, where to examine these problems law is used as a building system of norms which includes legal principles, norms, rules of law and regulations, as well as doctrines (teachings). Such research is a special feature of normative research.

Marzuki (2010: 35) argues that the study of normative law is a process to find a rule of law, legal principles, and legal doctrines that are intended to answer the problems related to the law at hand. In this type of legal research, law is often conceptualized as what is written in laws and regulations or law is conceptualized as rules or norms which are standards for human behavior that are considered appropriate (Amiruddin and Asikin, 2006).

In addition, this research also uses case studies where community members who have experienced evictions are the right informants for this research. In addition, researchers also interviewed representatives from the central National Land Agency Office. In qualitative research, one of the data collection instruments uses interviews where the process of exchanging information and ideas is carried out through question and answer which in the end can construct a particular topic (Sugiyono, 2019). The researcher uses Miles and Huberman's theory as cited by Sugiyono (2019) in analyzing the data, which consists of data reduction, data presentation and conclusion drawing and verification.

RESULTS AND DISCUSSION

Process Of Land Acquisition For Public Interest

Currently, the main provisions governing land acquisition for public purposes are Presidential Decree No. 55 of 1993 concerning Land Acquisition for Implementation of Development in the Public Interest. In order to complete this provision, the Regulation of the Minister of Agrarian Affairs/ Head BPN No. 1 of 1994 concerning the Decision to Implement Presidential Decree No. 55 of 1993 concerning Land Acquisition for Development Activities in the Public Interest.

The scope of land acquisition activities must include a process in which those affected by the development project for the public interest are maintained with a normal life's welfare, even better than before the project was carried out (Hutagalung, 2003). As for development for the public interest based on Article 5 point 1 of Presidential Decree No. 55 of 1993 is limited to:

1. Public roads, sewers;
2. Reservoirs, dams and other irrigation structures, including irrigation canals;
3. General Hospitals and community health centers;
4. Seaport or airport or terminal;
5. Worship;
6. Education or school;
7. Public market or Inpres Market;
8. Public funeral facilities;
9. Public health facilities, such as flood prevention embankments, lava, and other disasters;
10. Post and telecommunication;
11. Sports channel;
12. Radio and television broadcasting stations and their supporting facilities;
13. Government office;
14. Republic of Indonesia Armed Forces Facilities.

However, Article 5 number 2 later appeared, providing opportunities for exceptions to what has been strictly interpreted. If a development activity is not included in the 14 types of activities

limitedly specified in Article 5 number 1, then with a Presidential Decree the development activities can be expanded while still fulfilling the 3 main elements as referred to in Article 5 point 1, namely:

1. Is a development activity carried out by the government;
2. Owned by the government;
3. Not used for profit.

Procurement Of Land For Public Purposes

Some things that need to be considered before carrying out land acquisition for public purposes are:

1. Procurement of land for public purposes is carried out according to procedures regulated in laws and regulations, so that all parties involved can know their respective rights and obligations.
2. Communication and consultation is used between the community and parties (agencies) who need land intensively and continuously to provide each other with the necessary input, so that the community knows information regarding planning for the implementation and monitoring of land acquisition. Thus, community participation is carried out from the inventory stage, counseling and consultation, to the implementation of compensation.
3. The active participation of all parties (the community and those who need land) in the land acquisition process will create a sense of belonging and can minimize the possibility of rejection of land acquisition activities for development.
4. Deliberations must really be used as a means to bring together the different interests and desires of those who need land and those whose land is needed for the public interest. Therefore deliberation in the sense of being an activity that contains a process of mutual hearing, giving and receiving opinions, as well as wishes on the basis of volunteerism and equality between the parties must be carried out voluntarily and avoid psychological conditions that hinder the process from occurring.
5. Types of compensation must pay attention to physical factors, such as land, buildings, plants, other objects related to land, and those that are non-physical in nature. The form of compensation must be in accordance with the agreement reached in the deliberations. By receiving this compensation, the life of the party releasing the land will be better, or at least equal to the level of socio-economic life before the land was released for development.

Implementation Of Land Compensation For The Development Of Public Interests

Implementation of Land Compensation for Development of Public Interests Law No. 24 of 1992 regulates the right of every person in spatial planning. One of the rights of every person in spatial planning as contained in Article 4 paragraph (2) of Law No. 24 of 1992 is as follows: Everyone has the right to receive appropriate compensation for the conditions he experiences as a result of the implementation of development activities in accordance with the spatial planning room.

The definition of proper compensation is formulated in Article 4 paragraph (2) letter c of Law No. 24 of 1992 namely: The value of the replacement does not reduce the level of welfare of the person concerned. Based on the provisions in Article 4 paragraph (2) letter c Law no. 24 of 1992 which became one of the legal bases for the formation of Presidential Decree No. 55 of 1993 and Permeneg Agraria/Head of BPN No. 1 of 1994, the two regulations should no longer use the term compensation but use the term proper compensation. Thus, the two regulations are inconsistent in implementing Law no. 24 of 1992. Because in Presidential Decree No. 55 of 1993 and Permeneg Agraria/Head of BPN No. 1 of 1994 the term compensation has already been used. Based on Article 12 of Presidential Decree No. 5 of 1993, compensation in land acquisition for public purposes is given to: Rights to land, buildings, plants and other objects related to land such as water meters, electricity, satellite dishes, fences, etc.

The forms of compensation in land acquisition for public purposes according to Article 13 of Presidential Decree No. 55 of 1993 are money, replacement land, resettlement, a combination of two or more for compensation as referred to in letters a, b and c, as well as other approved forms by the parties concerned. Another form of compensation can be in the form of land rights holders

being included in the transmigration program, or the Government providing facilities to land rights holders to perform the pilgrimage from all or part of the compensation.

Provisions regarding the basis and method of calculating compensation are regulated in Article 15 of Presidential Decree No. 55 of 1993, which is determined on the basis of:

1. Land prices based on real or actual values taking into account the latest Tax Object Selling Value (NJOP) for the land in question.
2. The selling value of the building is estimated by the local government agency responsible for the building sector.
3. The selling value of plants is estimated by the regional government agency responsible for agriculture.

In the practice of land acquisition, the problem that often arises is regarding the determination of the amount of compensation for land rights. It is often difficult to reach an agreement between land rights holders and government agencies requiring land regarding the amount of compensation. With regard to land prices in granting losses, Article 16 paragraph (1) of the Minister of Agrarian Affairs/Head of BPN No. 1 of 1994 provides regulations regarding factors that affect land prices, namely land location, type of land rights, land tenure status, allotment land, suitability of land use with regional spatial planning, available infrastructure, facilities and utilities, environment, others that affect land prices.

Article 17 Permeneg Agraria/Head of BPN No.1 of 1994 regulates the estimated value of land according to the type of land rights and land tenure status, namely:

1. Property rights
 - a. Those who have been certified are rated 100%.
 - b. Those who have not been certified are rated at 90%.
2. Cultivation rights
 - a. What is still valid is considered to be 80%, if the plantation is still being managed properly.
 - b. Those that have expired are valued at 60%, if the plantation is still being managed properly.
 - c. The valid usufructuary rights and those that have expired will not be compensated if the plantation is not managed properly.
 - d. Compensation for plantation crops is assessed by government agencies.
3. Building use rights
 - a) What is still valid is rated at 80%.
 - b) Those that have expired are assessed at 60% if the land is still being used by themselves or by another person with their approval, and the former land rights holder submits an extension/renewal of rights no later than 1 (one) year when the rights expire or the rights expire within 1 year.
4. Right to use

The time period is not limited and is valid as long as the land is used for certain purposes, it is considered 100%.

- a. Right to use with a maximum period of 10 years 70%.
- b. Expired usufructuary rights are valued at 50% if the land is still being used alone or by another person with their consent, and the former right-holder has submitted an extension/renewal of rights no later than 1 year after the rights expired or the rights have not expired after 1 year.
- c. Waqf land is valued at 100% with the provision that compensation is given in the form of land, buildings and necessary equipment.

In the opinion of the Central BPN (National Land Agency) employees who were informants in this study, that the implementation of land acquisition activities for the public interest (toll road construction) by the Government was based on Presidential Decree No.55 of 1993, Presidential Decree No. 36 of 2005, Decree of the Head of BPN No. 1 of 1994 concerning Building Use Rights, Property Rights and Business Use Rights), Waqf Land based on the Waqf Law, Regional Government land by PERDA, and state land by Decree of the Minister of Asset Abolition No. 407 of 1994. The basis for planning and implementing development for public purposes (toll road construction) is Final Design Engineering, then 2 or more areas with a Governor's Decree, one area with a

Mayor/Regent's Decree, Location Permits of less than 1 Ha can be carried out by agencies that require land, land determination permit (the DKI regional government has no timeframe and for West Java 1 year), and the Land Acquisition Committee (P2T).

In Presidential Decree No. 55 of 1993 and Permeneg Agraria/Head of BPN No.1 of 1994 not only regarding compensation, but also provisions regarding the provision of this compensation are strictly regulated in Article 20 of Permeneg Agraria/Head of BPN No.1 of 1994. NJOP (The selling value of the latest Land and Building Tax Objects should be used as the basis for calculating land prices, as stated in Presidential Decree No. 55 of 1993. However, considering that there is the word "with due regard", this means that in applying the amount of non-binding compensation, it must be based on NJOP of Land and Buildings. This is because deliberation and consensus are the principles of land acquisition for the public interest.

The principle of deliberation in land acquisition for the public interest is contained in article 9 of Presidential Decree No. 55 of 1993, the meaning of deliberation itself is formulated in Article 1 paragraph (5), namely that there is a process of mutual hearing, receiving opinions, which is essentially based on the voluntarism of the shareholders, land rights and parties who need land in order to obtain an agreement regarding the form and amount of compensation. Deliberations to determine compensation are carried out directly between the Government Agencies that need land and the holders of land rights or their proxies, chaired by the Chairperson of the Land Procurement Committee. According to Hasanudin (1997), the deliberations carried out by related parties are truly deliberations and not directives (let alone coercion), so that the process of listening to each other with an attitude of mutual acceptance of opinions and wishes based on volunteerism between the deliberating parties can be carried out properly (Hasanuddin, 1997).

In this deliberation both parties have the same position in determining their wishes, there may not be pressure and coercion of will from one party to the other, and does not contain instructions or directions from government agencies that require land that must be obeyed by the holder of land rights. In this deliberation must place both parties as the subject of the issue of compensation. If the amount of compensation for land is only based on the last year's NJOP of Land and Buildings, then this also has a weakness, namely that there may be an increase in the NJOP of Land and Buildings from year to year, and this is very profitable for land rights holders. On the other hand, if there has been a decrease in the amount of the NJOP for Land and Buildings in the last year, it is necessary to ask why this has happened, and this is clearly very unfavorable for the holders of land rights.

Since deliberation is the basis for land acquisition in land acquisition for public purposes, the loss on said land does not have to be the same as the latest NJOP of Land and Buildings. The estimated amount can be greater or less than the NJOP. If in the deliberations an agreement has been reached between the holders of land rights and the government agency requiring the land, the head of the land acquisition committee issues a decision regarding the form and amount of compensation in accordance with the agreement. The decision is conveyed to land rights holders and government agencies that require land.

Deliberations to determine compensation between the government as the party that needs the land and the community members do not always run smoothly. If the deliberation does not reach an agreement while the need for land for Government Agencies is very urgent, then the government agency that needs land will carry out a consignment (entrusting compensation money to the local District Court. Here consignment is known, but in practice now, consignment is actually done before there is an agreement regarding the amount and amount of compensation for holders of land rights. This means that the amount of compensation is only determined unilaterally, namely by the government agency that needs the land by entrusting the amount of money calculated according to the interpretation of the government agency itself at the Registrar's Office of the local District Court, so that the impression obtained is that there is an element of coercion on the owners of land rights (Abdurrahman, 1997).

These consignment practices can be said to be covert actions carried out by the government itself as a party needing land, and can be said to have exceeded the president's authority (Santoso, 2014). In terms of deliberations between land rights holders and government agencies requiring

land to determine the form and amount of compensation is not reached an agreement, then Presidential Decree No.55 of 1993 provides a setting that is if deliberations have been attempted repeatedly and an agreement regarding the form and amount of compensation is not reached an agreement then Presidential Decree No.55 of 1993 provides arrangements, namely if deliberations have been attempted repeatedly and an agreement regarding the form and amount of compensation was not reached, the Land Procurement Committee also issued a decision regarding the form and amount of compensation by taking into account the opinions, wishes, suggestions and considerations that took place in deliberations (Bachtiar, 1997).

Decisions regarding the form and amount of compensation issued by the Chairperson of the Land Procurement Committee are submitted to the holders of land rights and Government agencies that require land (Abdurrahman, 1997). The decision of the Chairperson of the Land Procurement Committee is not final, so it cannot be enforced. This depends on whether or not the decision is approved by the holder of land rights. If the land rights holder agrees to the form and amount of compensation as stipulated in the decision of the Chairperson of the Land Acquisition Committee, then the compensation is handed over directly to the land rights holder from the Government Agency that needs the land and at the same time the land rights holder is relinquished or surrendered above ground.

Conversely, if the holder of land rights does not agree with the amount of compensation stipulated in the decision of the Chairperson of the Land Procurement Committee, then the holder of land rights can submit an objection to the Governor of the Level 1 Region accompanied by an explanation of the causes and reasons for the objection. Even though Presidential Decree No. 55 of 1993 and Permeneg Agraria No. 1 of 1994 provide an opportunity for holders of land rights to submit objections or a Governor's decision, these two regulations do not explicitly stipulate how much time is provided for holders of land rights to obtain filed an objection to the Governor's decision.

Proposals for settlement of revocation of land rights are submitted by the Governor to the State Minister of Agrarian Affairs/Head of Agrarian Affairs/Head of BPN through the Minister of Home Affairs, with copies to the Minister of the Agency requiring land and the Minister of Justice. After receiving the proposal to settle the revocation of land rights from the Governor, the State Minister for Agrarian Affairs/Head of BPN consults with the Minister of Home Affairs, the Minister of Government Agencies requiring land and the Minister of Justice. Requests to revoke land rights are submitted to the President by the State Minister for Agrarian Affairs/Head of the National Land Agency signed by the Minister of Home Affairs, the Minister of the Agency requiring land and the Minister of Justice (Abdurrahman, 1997.p. 141).

In the implementation of land compensation, there are often disagreements and discrepancies in the form and type of compensation for land disputed, so that the problem that often arises is disputes between residents and government officials which often cause problems as we often read in publications in various mass media where the authorities with their limitations carry out actions that are considered contrary to Human Rights (HAM) and others, while the people inevitably have to do anything to defend and place what they have and believe in in their lives.

Conditions like this occur because the government/rulers have a different assessment from that of the community/citizens. According to government officials, all regulations relating to land acquisition issues are considered to be known by the community/citizens themselves. Although there are still many government officials implementing the field who do not understand precisely either or have different interpretations of a provision governing the issue of land acquisition. It is also not impossible if the above legal regulations actually restrain the field implementing apparatus from taking the right policy in the matter of land acquisition.

Meanwhile, the current method is taking shortcuts as a better effort than taking the difficult procedures as stated in the legal regulations. However, for residents the most important thing is that the treatment received by government officials for their land in general will only be detrimental, because residents have a dimension which includes various interests regarding the value of the land, so that there is a value that is factual and ideal. What is at issue in land acquisition cannot possibly exceed these two values, what happens is actually below the actual value.

Ironically, residents are still required to make sacrifices in the form of willingness to reduce their requests from existing factual values.

CONCLUSION

The results of this research show that based on the provisions regulated in the Presidential Decree No. 55 of 1993, as well as Presidential Decree No. 36 of 2005 and Presidential Decree no. 65 of 2006, several buildings for social facilities and public facilities as well as residents who have been evicted in the City of East Jakarta, The gradation of interests is generally lower, because Jakarta functions as the center of government, tourism and culture, economic, social and political activities, defense and national security where state policies are issued here. Severe flood disasters will paralyze activities. This has the potential to reduce the country's credibility in the international world. The form of compensation regulated based on Presidential Decree no. 55 of 1993 is better rather than Presidential Decree no. 36 of 2005 and Presidential Decree no. 65 of 2006, because it is supported by Minister of State for Agrarian Affairs Regulation No. 1 of 1994 which determines the amount of compensation based on the type of land rights owned by community members and without loss rights for community members who occupy land without rights (illegal) and the provision of compensation money (spirituality).

REFERENCES

- Abdurrahman, Abdurrahman. (1996). *Masalah Pencabutan Hak-hak atas tanah, Pembebasan Tanah dan Pengadaan Bagi Pelaksanaan Pembangunan untuk Kepentingan Umum*. Bandung : Citra Aditya Bakti. hal.3
- Abdurrahman. (1996). *Masalah Pencabutan Hak-hak atas tanah, Pembebasan Tanah dan Pengadaan Tanah bagi Pelaksanaan Pembangunan untuk Kentingan Umum*, Cet. 4. Bandung : Citra Aditya Bakti. hal 25.
- Amiruddin dan H. Zainal Asikin. (2006). *Pengantar Metode Penelitian Hukum*. Jakarta: PT. Raja Grafindo Persada. hal. 118.
- B.N. Marbun. (1979). *Kota Indonesia Masa Depan Masalah dan Prospek*. Jakarta: Penerbit Erlangga. hal. 43
- Bachtiar, Sony. (1997). *Ganti Rugi Pengadaan Tanah untuk Kepentingan Umum*. Jakarta: Lucky Lestari. hal.20
- Boedi Harsono. (1999), *Hukum Agraria Indonesia Sejarah Pembentukan Undang-Undang Pokok Agraria, isi dan Pelaksanaannya*, Edisi Revisi, (Jakarta: Penerbit Jambatan 1999), hal. 253
- Budi Harsono. (1997). *Hukum Agraria Indonesia Sejarah Pembentukan Undang-undang Pokok Agraria, Isi dan Pelaksanaannya*, Edisi Revisi, (Jakarta: Penerbit Djambatan 1997), hal 18
- Hasanuddin dan Mahendra A.A. Oka. (1997). *Tanah dan Pembangunan Tinjauan Dari Segi Yuridis dan Politis*, Denpasar, Pustaka Manikgeni.
- Hutagalung Arie S, Supardjo Sujadi, dan Rahayu Nurwidari. (2000). *Azas-Azas Hukum Agraria*, Jakarta, Bahan bacaan pelengkap perkuliahan UI, 2000.
- Hutagalung, Aries Sukanti. (2003). "Analisa Yuridis Keputusan Presiden Nomor 55 Tahun 1993 Tentang Pengadaan Tanah Bagi Pelaksanaan Pembangunan Untuk Kepentingan Umum Dan Peraturan Pelaksanaannya", (Makalah yang disampaikan dalam Diklat Penyelesaian Konflik Pertanahan Angkatan II, yang diselenggarakan oleh Departemen Dalam Negeri, Jakarta, 22 – 26 April 2003).
- Imam Sudyat. (1982). *Beberapa Masalah Penguasaan Tanah di Berbagai Masyarakat sedang Berkembang*, ditulis dalam rangka kegiatan Badan Pembinaan Hukum Nasional berupa Proyek Penulisan Karya Ilmiah, cet. 2. Yogyakarta: Penerbit Liberti , hal. 1
- Mulyadi. (2016). *Pengadaan Tanah untuk Kegiatan Pembangunan di Perkotaan*. Jakarta : Pusat Penelitian dan Pengembangan BPN.
- Peter Mahmud Marzuki. (2010). *Penelitian Hukum*, Jakarta,; Kencana Prenada. hal. 35.
- Rajagukguk, Erman. (1995). *Hukum Agraria, Pola Penguasaan Tanah dan Kebutuhan Hidup*, Cet. 1. Jakarta : Chandra Pratama. hal. 35.
- Santoso, Urip. (2014). *Hukum Agraria Kajian Komprehensif*, Jakarta: Kencana Prenada Media.

- Soemardjan, Selo. (1993). *Hukum Kenegaraan Republik Indonesia*, Cet. 1 (Jakarta: Gramedia Widiasarana Indonesia. hal. 39.
- Soerjono Soekanto & Sri Mamudji. (2003). *Penelitian Hukum Normatif : Suatu Tinjauan Singkat*. PT. Jakarta : Raja Grafindo Persada. hal. 13.
- Sudrajad, Suryana A.(1995). *Demokrasi dan Budaya MEP*, Cet. 1 (Jakarta : Bina Rena Pariwara, 1995), hal. 30.
- Sugiyono. (2019). *Metodologi Penelitian Kuantitatif dan Kualitatif Dan R&D*. Bandung: ALFABETA
- Sumodiningrat Gunawan. (2003). *Pemberdayaan Masyarakat Dari Aspek Pertahanan*, (Makalah disampaikan pada Forum Diskusi Terfokus dan Sarasehan Nasional Upaya Konversi Tanah dari Asset Menjadi Modal Dalam Rangka Meningkatkan Kemampuan Usaha Mikro dan Penggerak Ekonomi Rakyat, diselenggarakan oleh Permodalan Nasional Madani dan Ikatan Mahasiswa Magister Notariat Universitas Indonesia di Jakarta, 1 Mei 2003), hal. 2-3.

Undang Undang

- Keppres No.55/1993 pertaining to Land Acquisition for Implementation of Development for Public Interests
- Perpres No. 36/2005 pertaining to Land Acquisition for Implementation of Development for Public Interests
- Keputusan Kepala BPN No.1/1994 pertaining to Building Use Rights, Property Rights, and Business Use Rights
- Kepmen Penghapusan Aset No.470 /1994 pertaining to Procedures for Abolition and Utilization of State Property/Wealth
- Permeneg Agraria/kepala BPN No.1/1994 pertaining to Provisions for Implementing Presidential Decree Number 55 of 1993 pertaining to Land Acquisition for Implementation of Development in the Public Interest
- Undang Undang No.24/1992 pertaining to Spatial planning
- Undang-Undang Republik Indonesia No 2/2012 pertaining to Land Acquisition for Implementation of Development for Public Interests