

# Implementation of Policy Regulation of The Head of The National Land Agency Number 5 of 2012 Concerning Technical Instructions For The Implementation of Land Procurement

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## ABSTRACT

That this research aims to analyze more deeply the implementation of the policy of the Head of the National Land Agency Regulation Number 5 of 2012 concerning Technical Instructions for Implementing Land Acquisition *Case study of Land Acquisition for the Construction of the Pekanbaru-Bangkinang Toll Road, Riau Province*. The research method in this legal research uses qualitative methods. The problem formulation used in this research is how to implement the policy of Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Instructions for Implementing Land Acquisition and what factors hinder the implementation of the policy of Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Instructions for Implementing Land Acquisition. That the results of this research found that the implementation of land acquisition for the construction of the Pekanbaru-Bangkinang toll road in Riau province was not optimal, that there were obstacles in the implementation of land acquisition for the construction of the toll road in the form of land disputes, the location being included in a forest area, and resistance from residents to the development. the toll road. The conclusion of this research is that it is best to review the regulations of the Head of the National Land Agency Number 5 of 2012 concerning Technical Instructions for the Implementation of Land Acquisition which function as a fulfillment of solving public problems in the land sector and filling legal gaps if necessary and that regarding the obstacles that In the field, assistance should be provided with related officials such as the prosecutor's office and police as well as the local district court to provide a sense of security and comfort for the committee and other stakeholders involved in the land acquisition process for the public interest.

**Keywords:** Land Acquisition, Toll Roads, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency

## 1. INTRODUCTION

Riau Province is part of the territory of the Republic of Indonesia, precisely in the middle of Sumatra Island, Riau Province with an administrative area of ± 8,915,016 Ha which stretches from the Malacca Strait in the east to the slopes of Bukit Barisan in the west. That Riau Province is administratively divided into 2 (two) cities, 10 (ten) regencies, 169 (one hundred and sixty-nine) sub-districts, 1,591 (one thousand five hundred and ninety-one) villages and 268 (two hundred and sixty-eight) sub-districts. In connection with the geographical location of Riau Province, namely



02°25' North Latitude to 01°05' South Latitude and 100°00' to 105°05' East Longitude, North Sumatra Province and the Malacca Strait at the North Boundary, at the East Boundary, Sumatra Province Southern West, and West Sumatra Province in the Western Border. The topography of Riau has a slope of 0-2% (flat) with an area of 1,157,006 hectares, a slope of 25-40% (steep) with an area of 737,966 Ha and a slope of 40% (very steep) with an area of 550,928 Ha with a height of between 2-91 meters. BPS Riau Province in 2022 recorded the population of Riau at 6,614,384 people. Riau Province has the largest population in Pekanbaru City which has a population of 1,007,540 people. The smallest population in Riau Province is in Meranti Islands Regency with a population of 213,532 people. The potential natural resources in Riau Province include: petroleum, gas, plants rubber, palm oil and so on which makes Riau province one of the richest provinces in the Republic of Indonesia. To support the potential of a region in the era of development and regional income, the availability of infrastructure is required as a basic requirement for regional and national economic drivers, so that it can increase community and business actors' access to resources in a region and can increase productivity and efficiency in doing business.

In connection with improving the wheels of the economy in Riau Province by the Riau Regional Government which is carried out through the ranks of Regional Apparatus Organizations (OPD) at the Regency/City level, it is making efforts to increase infrastructure development. Development access carried out by the Riau Provincial government is actually carried out in the form of construction of access to transportation, electricity, water, telecommunications networks, as well as other facilities in the form of a toll road construction project which will be one of the projects in Riau province. The urgency of having a toll road in a city area /district/province is nothing other than the main means of supporting economic activity and the main infrastructure for the national economy and regional development in order to create benefits for the greatest prosperity of the people. We know that the price of goods in an area is influenced by high distribution costs due to the difficulty of access to delivery which is not easy. This is the government's priority in terms of increasing the rate of distribution of goods and services which will result in increased national economic growth and is the main effort in increasing equitable development in each region as mandated in Pancasila. The construction of toll roads cannot be separated from the availability of land which is carried out through the land procurement stages by the Government, that land acquisition projects move from the social function of land as in Article 6 of the Basic Agrarian Law (hereinafter referred to as UUPA), namely "*All rights to land serve a social function*". The mandate in the explanation of the article can be interpreted to mean that within land ownership rights there are also rights from the community (Parlindungan, 1994). The



mandate in Article 6 of the UUPA does not provide absolute freedom of ownership but has the social function of land rights in the form of restrictions on individual freedom of land ownership, that the nature of the social function includes:

1. *Whereas in terms of land use, it is mandatory to refer to the condition of the land, its nature and the purpose of granting land rights;*
2. *Land use must refer to the plan as determined by the government;*
3. *If the public interest requires, then the private interests that are affected or suffer losses must be compensated;*
4. *Land is not categorized as a commercial commodity, on the basis of that, actions that make land an object of speculation cannot be justified (Yusriadi, 2010)."*

Land which has a social function as described above is the right means to achieve increased economic investment and accelerate the implementation of equitable development, if it can be seen in its development that a change is needed in the sector or scope of regulations in the land sector and regional spatial planning. That the rules regarding the acquisition of land in general development are regulated in Law no. 2 of 2012 concerning Land Acquisition for Development in the Public Interest in the form of Presidential Regulation Number 71 of 2012 concerning Organizing Land Acquisition for Development in the Public Interest, Regulation of the Head of the National Land Agency Number 5 of 2012 as a technical basis for the National Land Agency and its staff regarding instructions for implementing the land acquisition process. The concept of land acquisition is a series of procedures that are required to prepare land by providing appropriate compensation and prioritizing justice, that compensation is a form of appropriate and fair compensation for land rights holders/managers/users of goods in the land transfer or acquisition process. Procedural procedures include planning, preparation, implementation and delivery of land acquisition results.

Whereas the Riau Province needs toll road access for land acquisition activities for the construction of the Pekanbaru to Bangkinang toll road, the Riau Provincial Government has received a collection of planning documents that have been submitted by agencies that require the land, then a Decree from the Governor of Riau regarding Determining the location of the National Strategic Project will be issued. land acquisition implementation activities. That a Decree from the Governor of Riau has been issued regarding Decree on Determining the Location of the Pekanbaru-Bangkinang Toll Road Number. Kpts. 1247/XII/2019 dated 19 December 2019. (*Decision Letter attached*). That since the issuance of the Riau Governor's Decree above, the Pekanbaru to Bangkinang toll road project has now been running for approximately 26 (twenty six)



months of land acquisition activities in which several stages of land acquisition activities have been carried out, namely inventory and identification of Task Force A and B, announcement of the results of the inventory of Task Forces A and B containing the nominative list, map of the land plot, as well as the results of the assessment carried out by the Appraisal Team, the results of deliberations on determining the form of compensation, payment of compensation and release of land rights intended for the agency who need land as in the recapitulation table of achievements of land acquisition activities for the Pekanbaru to Bangkinang toll road construction project, namely:

Table 1. Recapitulation of Achievements of Land Acquisition Activities for the Construction of the Pekanbaru-Bangkinang Toll Road in October 2021

No.	Village/Subdistrict	Subdistrict	Target Field	Field Realization	Difference
1.	Sialang Sands	Bangkinang	15	15	0
2.	Tonan River	North Kampar	15	15	0
3.	Jalai Estuary		111	111	0
4.	Jalau River		45	45	0
5.	Ricefield		53	53	0
6.	Arowood		22	22	0
7.	Dragon Switch		45	44	1
8.	Bukit Kratai		Rumbio Jaya	54	54
9.	Birandang Island	Camp	131	131	0
10.	Where are you?	Mine	45	45	0
11.	Pinang River		194	192	2
12.	Kualu Nen		119	63	56
13.	Long Rimbo		159	1	158

*Source: Pekanbaru Bangkinang Land Acquisition Executor*

From the data listed in the table above, it can be seen that in land acquisition activities for the 40 km Pekanbaru to Bangkinang toll road project, there is the fact that several villages have not yet completed the compensation process, which is known to have inhibiting factors such as difficulties in identifying land owners, there are land that is included in a convertible forest area, there are disputes over land ownership, there are objections from the land owner regarding the results of the measurement area and the number of plants growing, and there are differences between the measurements stated in the rights basis and the results of measurements in the field. Based on the results of an evaluation from Commission V of the House of Representatives of the

Republic of Indonesia (DPR-RI) regarding the obstacles in the progress of land acquisition for the Pekanbaru-Bangkinang toll road in Riau Province, one of the obstacles was caused by several community lands being included in convertible forest areas in the village. Kualu Nenas, Tambang District and Rimbo Panjang Village, Tambang District. The process of releasing forest areas takes quite a long time because you have to apply for the release of forest areas to the Ministry of Environment and Forestry. That the obstacles to land acquisition have not yet been completed. That these obstacles can create a phenomenon which becomes the rationale or ontological basis for this research, resulting in the creation of a study with the title "Implementation of the Policy of Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Guidelines for Implementing Land Acquisition (Case Study of Land Acquisition for the Construction of the Pekanbaru-Bangkinang Toll Road, Riau Province)".

## 2. RESEARCH METHODS

Research methods are a series of legal studies in conducting research in order to achieve perfect and optimal research results. Methodology is a whole process, principles and procedures used by researchers to look for problems and find solutions to these problems (Mulyana, 2013: 145). Method is a series of methods or techniques used in the research research process (Mardalis, 2004:24). Meanwhile, research is all a series of search, investigation or experimental activities with a deep scientific sequence to obtain a new fact or discovery with the aim of obtaining a new concept and being able to contribute ideas to science (Margono, 2010: 1). This research is categorized as qualitative research, namely research that is descriptive in nature and tends to use analysis with an inductive approach. Process and meaning (subject perspective) are more emphasized in qualitative research. This research uses data according to facts in the field. Qualitative research according to Bogdan and Taylor (Moleong, 2005: 4) is a research procedure that produces descriptive data in the form of written and spoken words from the people being observed. Qualitative research can be referred to as a type of research whose findings are not obtained through statistical procedures or calculations. Based on this explanation, the researcher used a qualitative research method on the grounds that the focus of this research was to determine and analyze the implementation of the Head of Land Agency's Regulation Policy Number 5 of 2012 concerning Technical Guidelines for Implementing Land Acquisition (Case study of land acquisition for the construction of the Pekanbaru-Bangkinang toll road, Province Riau). Regarding the data sources used in this research, they are divided into several types, including:

1. Primary Data Sources

Primary data consists of information sourced or extracted from interviews and field observations regarding the problems in this research, namely the implementation of land acquisition for the Pekanbaru-Bangkinang toll road construction project, interviews were conducted with the Land Procurement Committee and Commitment Making Officials (PPK) from the Ministry of Public Works and Housing. The people as the agency that needs land for toll road construction projects.

## 2. Secondary Data Sources

Secondary data sources are data taken by researchers as supporting material for primary data sources, namely through literature study, documentation, citing written sources from books/magazines/newspapers/archives that are relevant to the object to be studied in this research. Secondary sources are sources that do not directly provide data to observers, such as through other people or written documents. This secondary data source will make it easier for researchers to collect data and then analyze it to support the variables determined by the researcher. Secondary data materials used by researchers can be obtained from relevant literature, scientific works, legal doctrine, various print media that provide data and references regarding topics related to this research. Apart from that, researchers also looked for supporting data in the form of applicable laws and regulations. This research used data collection techniques in the form of field research where the instrument had observation and interview guidelines. That to find the source of this data, the researcher will be directly involved in the case being studied as an officer of Task Force A in land acquisition activities for the construction of the Pekanbaru to Bangkinang toll road in Riau Province. In the interview process, the researcher will conduct interviews with informants who in this case know the stages and are the implementers in the land acquisition process for the construction of the Pekanbaru-Bangkinang toll road, namely the Executive Secretary for Land Acquisition, Chair of Task Force A, members of Task Force A, Chair of the Task Force B, member of Task Force B, one of the Village Heads, and Commitment Making Officer of the Ministry of Public Works and Public Housing. That there was previous research by Gebriena Rezki Syafitri, in which her research explained that land procurement for public purposes in the construction of the Trans Sumatra Lampung Toll Road, showed that land procurement for public purposes had fulfilled the procedures and requirements in Law Number 2 of 2012 concerning land procurement for development for the public interest. Similar research was carried out by Rovita Ayuningtyas, who explained that land acquisition for public purposes in the context of building the Semarang-Solo toll road for the Boyolali Regency section, was in accordance with Presidential Regulation Number 36 of 2005 in conjunction with Presidential Regulation Number 65 of 2006 concerning the

First Amendment to Presidential Regulation Number 36 2005 concerning land acquisition for the implementation of development in the public interest.

### **3. RESULTS AND DISCUSSION**

1. Implementation of the Policy of Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Guidelines for Implementing Land Acquisition (Case Study of Land Acquisition for the Construction of the Pekanbaru-Bangkinang Toll Road, Riau Province)

The implementation adopted from foreign language loan words is "*implementation*". Tachan (Webster's Dictionary, 2011) defines the basic word implementation, namely *to implement* namely bringing results or consequences to complete and complete, providing the means/tools to carry out something, providing or equipping with tools. The meaning of implementation can be related to a public policy, the word implementation of public policy is defined as the activity of completing, implementing a public policy that has been determined/approved by using means (tools) to achieve certain policy objectives. Policy implementation is a series of practical stages which have been differentiated from policy formulation which is seen as a more theoretical stage. Implementation is a form of effort to create relationships that can be made possible by policies that can be realized as a result of government action. These efforts are expected to be able to realize the final results that have been determined by the government itself, that the goals and objectives of the policy can be defined in a program that has the aim of achieving the final results desired by the Government. Implementation of policy from the Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Guidelines for the Implementation of Land Acquisition, that land procurement for public purposes is carried out through several stages and procedures including the following:

- a. Planning Stages

Agencies that require land are required to plan land acquisition activities based on regional spatial planning and refer to the development priority scale stated in the medium-term development plan, strategic plan, government work plan of the agency concerned. The planning determined by the agency as stated in the form of a planning document is based on a feasibility study. That the land acquisition planning document which has been prepared based on a feasibility study must contain a socio-economic survey, location feasibility, analysis of the costs and benefits of regional and community development, estimates of land value, environmental impacts and social impacts that may arise as a result of land acquisition and development, and other necessary studies.



Planning documents for land acquisition that have been determined by the head of the agency requiring land or an appointed official and submitted to the governor/regent/mayor. That the planning document has a period of two years from the time it is determined by the head of the agency that requires the land. In carrying out the activity stages, the governor forms a preparation team within a maximum of 5 (five) days after the land acquisition planning documents are officially received by the governor. That the preparation team has duties including making notifications of development plans, preliminary data collection on development plan locations, public consultation activities on development plans, preparing plans for determining development locations, announcements regarding the determination of development locations for the public interest, and carrying out other tasks related to the preparation of land acquisition for development for the public interest assigned by the Governor.

b. Preparation

This stage requires the Governor to form a Preparation Team with a maximum period of 10 working days consisting of the Regent/Mayor, OPD within the relevant provincial government, agencies that require land, and other agencies. To assist in carrying out the duties of the Preparatory Team, the Governor may establish a Land Acquisition preparation secretariat located at the Provincial Regional Secretariat. The tasks of the Preparation Team are as follows:

1) Implement Development Plan Notification

That the notification letter regarding the development plan that has been signed by the Head of the Preparation Team must be delivered to the community who will be affected by the location of the development plan within a maximum period of 20 working days after the Land Acquisition Planning Document has been officially received by the Governor. The notification can be delivered directly through socialization, face-to-face, and/or notification letters, or it can be through indirect notification via print or electronic media;

2) Preliminary Data Collection of Land Acquisition Plan Locations

Initial data collection on the location of the planned land acquisition project, which consists of several activities, such as collecting initial data on parties entitled to the land acquisition object, is carried out with sub-district/village officials no later than 30 working days after notification of the development plan is announced. The results of the data collection are included in a temporary list of development plan locations signed by the Head of the Preparation Team as material or reference for the implementation of the Public Consultation on the development plan.

3) Public Consultation on Development Plans

Public consultation on development plans is carried out to obtain agreement on the location of the development plan from the Entitled Parties and the communities who will be affected, that public consultation is carried out no later than 60 working days from the date of signing the temporary list of development plan locations. The results of the agreement on the location of the development plan are stated in the minutes of agreement.

4) Preparing Development Location Determination

Determination of the location of a development project is determined based on an agreement that has been made by the Preparation Team with the parties who have the rights or can still be based on objections from the objecting parties. The development location determination must be accompanied by a map of the development location that has been prepared by the agency requiring the land, that the Development Location Determination is valid for a period of two years and can be extended once for a maximum period of one year by addressing it to the governor who is submitted no later than two months before the end of the period for determining the location for the construction of the project

5) Announce Development Location Determination

The implementation of the announcement of the Development PENLOK for the public interest is carried out no later than three days after the publication of the Development PENLOK which is carried out by announcing it at the Subdistrict/Village office, and/or Regency/City office and at the construction location or announcing it via print media and/or electronic media. Announcement of Development Location Determination is carried out within at least 14 working days.

c. Implementation

Implementation of land acquisition projects organized by the Minister of Agrarian Affairs and Spatial Planning/National Land Agency through the head of the Regional Office as Chair of the P2T Committee. The determination of the land acquisition implementer shall be carried out within a maximum of 5 (five) days from the receipt of the application for land acquisition implementation. Land acquisition implementation activities include:

1) Inventory and identification of control, ownership, use and utilization of land

Inventory and identification activities must be carried out for a maximum period of 30 days and have a series of activities which include measuring and mapping plots of land and collecting data on entitled parties and data on land acquisition objects. The results of the inventory and identification of control, ownership, use and utilization of the land must be announced at the village/sub-district office, sub-district office and place where land acquisition is carried out within



a maximum of 14 working days. If there are parties who have not received the inventory results, they can submit an objection to the Chair of the P2T Committee within a maximum period of fourteen working days from the announcement of the inventory results, for verification and corrections to be carried out within a maximum period of fourteen working days from the receipt of the objection submission. on the results of the inventory.

- 2) Activities for measuring and mapping plot by plot of land and collecting data on entitled parties and land acquisition objects.

Task Force A carries out measurements and mapping, and the results of the inventory and identification of measurements and mapping are outlined in a map of the land plot and signed by the head of the task force. Task Force B activities carry out data collection on entitled parties and land acquisition objects, the results of which are then created in the form of a nominative list signed by the task force chairman. The task force will complete its tasks within a maximum of 30 days, in certain cases the task force may be able to carry out tasks for more than 30 (thirty) days. The results of the inventory and identification will be submitted by the head of the task force to the Chair of the P2T Committee with minutes of the results of the inventory and identification. Then the secretariat team carried out announcement activities on the nominative list at the village office, sub-district office and land acquisition location.

That after the announcement process it is possible that there may be objections from certain parties regarding the results of the inventory and identification and this objection can be submitted through the Chair of the P2T Committee within a period of 14 (fourteen) days starting from the time the results of the inventory and identification have been announced. After the objection is received by the chief land procurement executive, verification and revision of the land plot map or nominative list will be carried out. If an objection is submitted to the results of the inventory and identification, the Chair of the P2T Committee will make a report on the objection. The results of the announcement or verification as well as improvements are the basis for determining the party entitled to award compensation.

- 3) Assessment of compensation

The results of the announcement and verification as well as improvements to the results of the inventory and identification of evidence of control, ownership, use and use of land are determined by the Chair of the P2T Committee and then become the basis for determining the party entitled to award compensation. The amount of compensation value is determined by the Chair of the P2T Committee based on the results of an assessment by an appraiser or public appraiser appointed and determined by the Chair of the P2T Committee whose assessment is



carried out no later than 30 working days. That land appraisal services are provided by agencies that require land and are determined by the Chair of the P2T Committee. That in this case, if there is no appraisal service or in the context of cost efficiency for small-scale land acquisition, the agency that requires land can appoint a public appraiser or an official appointed by the Minister. The appraiser is tasked with assessing the amount of compensation for each parcel of land, which includes land, above-ground and underground spaces, buildings, plants, objects related to the land and other losses that can be assessed. The compensation assessed by the appraiser is the amount of value at the time of the announcement of the determination of the development location for the public interest which takes into account the waiting period for payment of compensation. The amount of compensation value is based on the results of the appraiser's assessment which is final and binding and is used as a basis for deliberation to determine the form of compensation.

4) Deliberation to determine compensation

That the P2T Committee conducts deliberations with the entitled parties within a maximum period of 30 working days after the assessment results from the Appraiser are submitted to the Chair of the P2T Committee to determine the form and/or amount of compensation which is based on the results of the compensation assessment. The results of the agreement in the deliberation become the basis for providing compensation to the Entitled Party/their attorney which can be included in the minutes of the agreement. If they do not agree regarding the form and/or amount of compensation, the entitled party can submit an objection to the local District Court within 14 working days after deliberation on determining compensation. The District Court will decide on the form and/or amount of compensation within a maximum of 30 working days from the receipt of the objection. A party who objects to the District Court's decision can submit an appeal within a maximum of 14 working days to the Supreme Court which will then decide within a maximum period of 30 working days from the time the cassation request is received. The decision of the District Court/Supreme Court which has obtained permanent legal force will become the basis for payment of compensation to the party who submitted the objection.

5) Provision of compensation

Compensation can be given in the form of money or other forms such as replacement land, resettlement, share ownership or other forms agreed to by both parties. The form of compensation, whether stand alone or a combination of several forms of compensation, is given in accordance with the value of the compensation with a nominal value that is the same as the value determined by the appraisal service. That in deliberations the land acquisition implementer will prioritize providing compensation in the form of money to speed up the development project. Agencies that



need land can submit a request for safekeeping of compensation to the chairman of the district court in the area where the development is for public purposes. The implementation of the custody of compensation is made in the minutes of custody of compensation, if the party entitled to refuses the form and/or amount of compensation and does not submit an objection to compensation, the compensation can be taken by the party entitled to it by bringing a letter of introduction from the Chair of the P2T Committee.

In the event that the entitled party refuses the form and/or amount of compensation based on the decision of the District Court/Supreme Court which has permanent legal force, compensation can still be taken by the entitled party with a letter of introduction from the Chair of the P2T Committee. If the whereabouts of the party entitled to receive compensation are unknown, the land procurement implementer can provide notification regarding the absence of the entitled party in writing to the sub-district head and village head/village head or other name and if the whereabouts of the entitled party are known, the entitled party submits an application to the Court. The country where the deposit is held will provide compensation by bringing a letter of introduction from the head of the land procurement executive. If the object of land acquisition is the object of a case in court, compensation for losses is taken by the entitled party after a court decision has permanent legal force or by means of a peace decision (*dading*). If the ownership of the land acquisition object is still disputed, then compensation can be taken after a court decision has been made and has permanent legal force or can use a peace report (*dading*), if there is a confiscation by an authorized official, compensation can be taken by the entitled party after the decision to appoint the confiscate. In the event that the object of land acquisition is collateral with a bank, compensation for losses can be taken in the District Court after a letter of introduction from the head of the land procurement implementer provided that approval has been obtained from the bank. Relinquishment of rights to land acquisition objects is carried out by the party entitled to the state in the presence of the head of the local land office or an official appointed by the Chair of the P2T Committee.

6) Disposal of land to agencies

Land acquisition objects that have been given compensation or damages that have been entrusted to the District Court or for which the Land Acquisition Object's Rights have been released, the legal relationship between the entitled party and the land must be extinguished by law. The head of the land office will record the deletion of rights in the land book and other general land registration registers, which will then notify the relevant parties. In the event that the land acquisition object has not been registered, the head of the land procurement executive will provide



notification regarding the abolition of rights and submit it to the village head/head of the village or sub-district head and the authorized official to issue a letter to then be recorded and crossed out in the administrative book of the sub-district/village or sub-district office.

d. Submission of results

The Chair of the P2T Committee will submit the results of land acquisition to the agency requiring land accompanied by land acquisition data within a maximum period of 14 (fourteen) days from the Release of Land Acquisition Object Rights. The handover of land acquisition results in the form of land parcels and land procurement documents is carried out by signing the minutes of handover of land acquisition results. The duties and responsibilities of the land procurement executor will end with the signing of the minutes of handover of the results of the land acquisition as a whole. Agencies that require land can begin carrying out development partially or in full after the submission of land acquisition results by the Chair of the P2T Committee. Whereas Regulation of the Head of the National Land Agency Number 5 of 2012 is a regulation that regulates technical instructions for implementing land acquisition within the National Land Agency. This regulation is specifically for the National Land Agency (BPN) as the agency with authority over land in Indonesia. This regulation aims to provide guidance and guidance in the land acquisition process. National Land Agency Regulation Number 5 of 2012 concerning Technical Guidelines for Implementing Land Acquisition regulates several things, including the process of implementing land acquisition, assessing land value, providing compensation for losses, and coordinating with stakeholders.

That in connection with the process of land acquisition for public purposes in the form of toll roads in the Pekanbaru city area to the Bangkinang area, Riau Governor Decree number: Kpts has been stipulated. 1247/XII/2019 dated 19 December 2019 concerning determining the location of the Pekanbaru-Bangkinang toll road, land acquisition activities have been carried out in several stages of land acquisition activities. The stages that have been implemented are the planning stage, preparation stage, implementation stage and results delivery stage. The following are the results of observations and documentation carried out by researchers in the implementation of land acquisition for the construction of the Pekanbaru-Bangkinang toll road in Riau Province:

In the preparation stage, direct outreach/notification activities have been carried out to communities whose land is affected by land acquisition activities in the context of the construction of the Pekanbaru-Bangkinang toll road, Riau Province as well as marketing banners at locations affected by toll road alignments during land acquisition activities for the Pekanbaru-Bangkinang toll road.



- a. In the implementation stage, researchers as members of task force A have carried out measurements of land plots on community land whose land was affected by land acquisition activities in the context of the construction of the Pekanbaru-Bangkinang toll road, Riau Province
- b. Implementation of an inventory carried out by task force B on community land located in the land acquisition office

The Secretariat Team carries out announcement activities on the nominative list that has been submitted by task force A and task force B at the Village Office, District Office and at the location of the land affected by the Pekanbaru-Bangkinang toll road alignment

- a. The Land Appraisal Team conducted an exposure to the P2T Secretariat team after assessing the amount of compensation for each plot of land, which includes land, above ground and underground space, buildings, plants, objects related to the land and other losses that can be assessed;
- b. The Chair of the P2T Committee conducts deliberations to determine compensation for the community
- c. The P2T Committee Team makes compensation payments to communities who have accepted the results of the deliberations

The following table summarizes the achievements of land acquisition activities for the construction of the Pekanbaru-Bangkinang toll road:

Table 2. Recapitulation of Achievements of Land Acquisition Activities for the Construction of the Pekanbaru-Bangkinang Toll Road in February 2023

No.	Village/Subdistrict	Subdistrict	Target Field	Field Realization	Difference
1.	Sialang Sands	Bangkinang	15	15	0
2.	Tonan River	North Kampar	15	15	0
3.	Jalai Estuary		111	111	0
4.	Jalau River		45	45	0
5.	Ricefield		53	53	0
6.	Arowood		22	22	0
7.	Dragon Switch		45	44	1
8.	Bukit Kratai		Rumbio Jaya	54	54
9.	Birandang Island	Camp	131	131	0
10.	Where are you?	Mine	45	45	0
11.	Pinang River		194	192	2

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13.	Long Rimbo		159	1	158

Source: Pekanbaru Bangkinang Land Acquisition Executor

Based on the table above, the total achievements of land acquisition activities for the construction of the Pekanbaru-Bangkinang toll road are still not well realized, there are still 4 (four) villages that have not completed the compensation process. So the researcher conducted an interview with Mrs. R, Secretary of P2T, to dig deeper into the problems that occurred in the implementation of land acquisition. The conclusion from the discussion in the first problem formulation is based on implementation theory *Grindle* that the implementation of land acquisition in the context of the construction of the Pekanbaru-Bangkinang toll road shows that the implementation of the policy of Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Instructions for Implementing Land Acquisition has not been optimal, especially implementation from the environmental dimension of implementation which is characterized by low compliance and responsiveness of the community. which is affected by the Pekanbaru-Bangkinang toll road alignment so that there are several phenomena that occur in the process of implementing land acquisition for the construction of the Pekanbaru-Bangkinang toll road, Riau Province. Namely, there are several villages included in the location determination that have not been completed in the land acquisition process, namely Naga Beralih Village, Kampar Utara District, Sungai Pinang Village, Kualu Nenas Village and Rimbo Panjang Village, Tambang District.

**What are the factors that hinder the implementation of the policy of the Head of the National Land Agency Regulation Number 5 of 2012 concerning Technical Guidelines for Implementing Land Acquisition (Case Study of Land Acquisition for the Construction of the Pekanbaru-Bangkinang Toll Road, Riau Province)**

The implementation of the land acquisition process for public purposes which is carried out with reference to the Regulation of the Head of the National Land Agency Number 5 of 2012 has gone well. That there are several obstacles in implementing land acquisition at this location, including the following:

**There are difficulties in identifying land owners**

As a result of interviews with the P2T Secretary, researchers obtained data that land owners who were not at the land acquisition project location for the construction of the Pekanbaru to Bangkinang toll road experienced difficulties in identifying land owners at that location. This is because the land affected by the toll road alignment is a plot of land that has been sold by the



owner without reporting the transaction to the village. In an interview with the Head of Task Force A, the researcher received information that the land owner did not live in the designated location, so an announcement was made on the land affected by the toll road that land acquisition was currently underway. However, the steps taken are not optimal. Similar to the information conveyed by the Chair of Task Force A, the Chair of Task Force B conveyed the same statement, that land owners who did not live in the location and whose whereabouts were unknown resulted in difficulties in the land owner identification process. From interviews with members of Task Force A, researchers obtained information that the process of identifying land ownership experienced difficulties in identifying the names of land owners, thus hampering the process of publishing land plot maps. In a subsequent interview with members of Task Force B, the land owner rarely visited the land he owned and gave the impression that the land had become neglected. The results of the researcher's interview with the Head of Rimbo Panjang Village showed that the Village had assisted in outreach activities related to the implementation of land acquisition for the Pekanbaru-Bangkinang toll road construction project. The Village has posted a notice/announcement at the location affected by the toll road alignment that at that location it is in the process of acquiring land for the construction of the Pekanbaru-Bangkinang toll road.

#### **There is community land included in the Production Forest Area that can be converted**

As a result of interviews with the P2T Secretary, researchers analyzed that there were several community-owned lands included in the land acquisition phase for the construction of the Pekanbaru-Bangkinang toll road in Kualu Nenas Village and Rimbo Panjang Village, Tambang District, which were included in the Convertible Production Forest (HPK) area. The next analysis was based on an interview with the Chair of Task Force A that based on the spatial pattern in the Kampar Regency Regional Spatial Planning (RTRW) there were several villages included in the HPK area, including Rimbo Panjang Village and Kualu Nenas Village. In line with the Chair of Task Force A, the Chair of Task Force B said that several plots of land controlled by the community were known to be included in the HPK area in the RTRW of Kampar Regency. From the three sources, it was known that there was land belonging to the community that was included in the HPK area, so that in the process of paying compensation we had to wait for the community land to be removed from the HPK area by the Ministry of Environment and Forestry.

In the researcher's interview with members of Task Force A, the researcher received information that, during the field measurements, members of Task Force A had checked that there were several plots of community land that were included in the HPK area. There are those whose entire area is included in the HPK area, but there are also those that are only slightly included in



the HPK area so that it can hamper the land acquisition process, namely at the stage of providing compensation. In subsequent interviews with members of Task Force B, researchers received information that during the inventory and identification of land parcels in the field, it was discovered that several community land parcels were included in the HPK area. Furthermore, from external parties, researchers conducted interviews with the Head of Rimbo Panjang Village, that the Rimbo Panjang Village confirmed that many of the land plots of Rimbo Panjang village residents were included in the Convertible Production Forest (HPK) area. So if it is to proceed to the next stage, the process of paying compensation must wait for the community land to be removed from the HPK area by the Ministry of Environment and Forestry.

### **There is a land ownership dispute**

Based on the results of interviews with the P2T Secretary, researchers obtained information that there was double land ownership in the land acquisition process for the construction of the Pekanbaru-Bangkinang toll road so that the land became an ownership dispute. That ownership of more than one land right will result in the land acquisition process being slightly hampered. As a result of interviews with the Head of Task Force A, researchers obtained an analysis that there were several people who claimed ownership of the same land by bringing their own version of the title or ownership document, either the title issued by the Village Head or the Land Rights Certificate. Furthermore, the results of the interview with the Head of Task Force B showed that during the inventory and land owner identification process there was more than 1 (one) person who controlled the land. During the researcher's interview with members of Task Force A, the researcher obtained information that when carrying out measurements in the field there was more than 1 (one) person who indicated the location of the same land by indicating the boundaries of the land plot, so that in making a map of the land plot there was a part of the land that was claimed joint property, whether partially or completely. A further interview with members of Task Force B stated that during the inventory and identification of land plots in the field, the Task Force team received more than 1 (one) person who showed the same land along with their rights. So that all land owners are written in the Nominative List. From the researcher's interview with the Head of Rimbo Panjang Village, the Rimbo Panjang Village really recognizes that there is land owned by more than 1 (one) person, either by submitting a Land Certificate that has been issued by the Village or a Land Certificate that has been issued by BPN. Apart from bringing land documents, each land owner can also indicate the boundaries of the plot of land they own.

### **There are objections from land owners regarding the area of land and the number of plants grown**



As a result of interviews with the P2T Secretary, researchers obtained analysis or information that the results of measuring land area and the number of plants growing were different from the results of calculations carried out by the land owner. So that the land owner concerned sends a letter of objection to the P2T Secretariat regarding the results of the Nominative List that have been announced. Based on the results of the interview with the Head of Task Force A, the researcher received information that there was a difference in the area that had been announced between the results of the area measured in the field and the area contained in the land rights both from the Land Certificate, Certificate of Compensation and Certificate of Land Rights and the results from measurements in the field, so that the area affects the number of plants growing on the land. This is due to the difference in the measurement method carried out during the land acquisition process and the measurement method carried out at the time of issuing the land certificate, resulting in wide differences. That the researcher analyzed the data obtained based on the results of interviews with the Head of Task Force B, it was found that there were objections from several land owners regarding the difference in the yield of land area owned and the number of plants grown, so in this case the land owner can send a letter to the P2T Secretariat after the Nominative List and the Land Plot Map is announced. The results of calculating the number of plants growing on community land have been carried out by implementers from the Kampar Regency Agriculture, Food Crops and Horticulture Service based on the land boundaries within the toll road.

Interviews with members of Task Force A, researchers were able to analyze the data that the task force members received information that there were people who objected to differences in land area results and the number of plants growing located on the land they owned.. So the task force A team will carry out a schedule for re-measuring the land that has been submitted as an objection to the Land Acquisition Executive Secretariat. Meanwhile, in interviews with members of Task Force B, researchers were able to analyze that there were plants on the land included in the toll route, which had not been included in the calculations carried out by the Task Force B team. So there were differences in the results of the land area and number of growing plants that had been announced by Land Acquisition Executive Secretariat. The Task Force B team will reschedule the trip to the field to check objections from the people who own the land affected by the toll road. The researcher conducted interviews with implementers from the Kampar Regency Plantation, Livestock and Animal Health Service, who are also members of Task Force B for Land Acquisition. The researcher analyzed that the results of the inventory and identification of plants growing on land locations affected by the toll road alignment were different from the calculation



results. carried out by the land owner. The amount of vegetation that has not been included in the Task Force B team's calculations affects the amount of compensation that will be received by the people who own the land affected by the toll road alignment.

### **There is a difference between the dimensions stated on the rights pad and the results of measurements in the field**

As a result of interviews with the P2T Secretary, researchers analyzed that there were land owners who were not satisfied with the results of measurements in the field because there were differences between the measurements stated on the plot map and the rights held by the community. Likewise, the Executive Secretary for Land Acquisition, the Chair of Task Force A and the Chair of Task Force B conveyed the same statement, that the results of measurements carried out by the Task Force A team regarding the boundary signs that had been installed at the land location contained differences between the results of measurements in the field and those the size stated in the base of rights. The measurement implementation refers to the position of the boundary marks that have been installed on the boundaries of the land plot and the results of the appointment of the land owner. The differences in measurement results affect the amount of compensation received by land owners affected by the toll road alignment plan. Based on the results of interviews with members of Task Force A, researchers analyzed that the task force A team have carried out measurements based on the boundary marks that have been installed, but the community still sends objection letters to the Land Acquisition Executive Secretariat, this is due to the difference between the measurements on the rights base and the results of measurements in the field. Whereas interviews were also conducted with members of Task Force B, the researcher obtained an analysis that there was a difference between the measurements in the rights base and the results of measurements in the field which could result in a difference in the money given for compensation, the community submitted a letter of objection through the Land Acquisition Implementing Secretariat. Researchers have also conducted interviews with the Head of Rimbo Panjang Village, the researchers obtained an analysis that the Village has helped facilitate the process of installing land parcel boundary signs for land owners affected by land acquisition activities for the construction of the Pekanbaru-Bangkinang toll road, based on the mapping results obtained there are differences between the size on the right base and the measurement results in the field. The conclusion from the discussion of this second problem formulation is that there are several inhibiting factors in the land acquisition process for the Pekanbaru-Bangkinang toll road, but problem solving can be done in the land acquisition process for the construction of the Pekanbaru-Bangkinang Toll Road, such as the existence of plots of land that will be compensated



for incoming losses. In Convertible Production Forest Areas, an alternative solution to the problem is in the form of submitting a forest area release process to the Ministry of Environment and Forestry. Other problems such as the community not agreeing with the compensation value proposed by the Public Appraisal Services Consultant, the solution is to carry out another field survey of the locations where objections have been raised by the community. After a re-survey is carried out, another consultation will be held with the community receiving compensation. If after deliberation, the community has not yet received the amount of compensation, a consignment will be made to the local District Court. There is a difference between the size of the title pad and the certificate which is different from the physical form in the field, in this case the alternative solution to the problem is in the form of a physical land ownership statement signed by the Land Sector Border and acknowledged by the Village Head. That there are several land locations where the names of the land owners subject to land acquisition for toll road construction are unknown. The solution is to make written announcements around the land acquisition location, at the village office and at the sub-district office. However, if you have not yet received information regarding the name of the land owner, the Land Acquisition Committee can entrust the compensation money to the District Court. If there are objects in the form of land or offices that are controlled by a government agency, efforts will be made to find replacement land for the government agency's land. Whereas many land owners' ownership letters do not match the conditions in the field, both in area and shape, the Committee shows the latest measurement results and provides understanding to the land owners that the measurement results are the actual measurement results using measuring instruments and are in accordance with the conditions in the field. .

#### 4. CONCLUSIONS

Based on Implementation theory *Grindle* that the implementation of land acquisition in the context of the construction of the Pekanbaru-Bangkinang toll road shows that the implementation of the policy of Regulation of the Head of the National Land Agency Number 5 of 2012 concerning Technical Instructions for Implementing Land Acquisition has not been optimal, especially implementation from the environmental dimension of implementation which is characterized by low compliance and responsiveness of the community. which is affected by the Pekanbaru-Bangkinang toll road alignment so that there are several phenomena that occur in the process of implementing land acquisition for the construction of the Pekanbaru-Bangkinang toll road, Riau Province. Namely, there are several villages included in the location determination that have not been completed in the land acquisition process, namely Naga Beralih Village, Kampar



Utara District, Sungai Pinang Village, Kualu Nenas Village and Rimbo Panjang Village, Tambang District.

That there are several inhibiting factors in the land acquisition process for the Pekanbaru-Bangkinang toll road, but problems can be solved in the land acquisition process for the Pekanbaru-Bangkinang Toll Road construction, such as the existence of plots of land that will be compensated for being included in Production Forest Areas that can be converted, An alternative solution to the problem is in the form of submitting a forest area release process to the Ministry of Environment and Forestry. Other problems such as the community not agreeing with the compensation value proposed by the Public Appraisal Services Consultant, the solution is to carry out another field survey of the locations where objections have been raised by the community. After a re-survey is carried out, another consultation will be held with the community receiving compensation. If after deliberation, the community has not yet received the amount of compensation, a consignment will be made to the local District Court. There is a difference between the size of the title pad and the certificate which is different from the physical form in the field, in this case the alternative solution to the problem is in the form of a physical land ownership statement signed by the Land Sector Border and acknowledged by the Village Head. That there are several land locations where the names of the land owners subject to land acquisition for toll road construction are unknown. The solution is to make written announcements around the land acquisition location, at the village office and at the sub-district office. However, if you have not yet received information regarding the name of the land owner, the Land Acquisition Committee can entrust the compensation money to the District Court. If there are objects in the form of land or offices that are controlled by a government agency, efforts will be made to find replacement land for the government agency's land. Whereas many land owners' ownership letters do not match the conditions in the field, both in area and shape, the Committee shows the latest measurement results and provides understanding to the land owners that the measurement results are the actual measurement results using measuring instruments and are in accordance with the conditions in the field. .

## REFERENES

Heriyanto, Meyzi, Adianto, Hasyim Asy'ari. (2019). CSR Program Implementation Model in Indonesia. Pekanbaru: Pekanbaru Karya Park.

Margano. (2010). *Action Research Methodology*. Jakarta : Rineka Cipta.

Moleong, Lexy J. (2011). *Qualitative Research Methodology*. Bandung: Rosdakarya Youth)

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Keban, Jeremiah T. (2019). *Six Strategic Dimensions of Public Administration* Edition Ke-3. Yogyakarta : Gava Media.

Trick, Bernhard. (2011). *Land Acquisition for Development*. Jakarta : Margaretha Pustaka.

Mulyana, Deddy. (2013). *Qualitative Research Methodology: New Paradigm in Communication Sciences and Other Social Sciences*. Bandung: Rosdakarya Youth.

Arba, HM (2021). *Land Acquisition Law for Public Interest*. Jakarta : Sinar Graphics.

Suyanto (2019). *Elimination of land rights due to retention of compensation in land acquisition for public purposes*. Jakarta: Jakad Publishing.

Sutedi, Adrian (2020). *Implementation of the Public Interest Principle in Land Acquisition for Development*. Jakarta : Sinar Graphics

Suyadi, Yagus (2023). *Crime of Land Services and Land Acquisition for Public Interest Development*. Jakarta: Sinar Graphics

Thank God, Bha'iq R (2023). *Legal Protection and Justice in Land Acquisition Compensation Deliberations*. Jakarta : Nem Publishers

Wajdi, Farid, et al (2022). *Law and Public Policy*, Jakarta : Sinar Graphics