

Legal Analysis of Supreme Court Decisions on Community Land Compensation: A Case Study of the Jatikarya Toll Road Project

Tri Aprilidya, Wicipto Setiadi

Veteran Development University Jakarta, Indonesia
2110611044@mahasiswa.upnvj.ac.id

Abstract

The Jatikarya Toll Road construction project, part of the Cimanggis-Cibitung Toll Road, aims to improve connectivity and transportation efficiency in the Jabodetabek area. However, the land acquisition process for this project has caused conflict, especially regarding compensation payments that are considered unfair by the affected community. This study aims to analyze legal protection of community rights in the implementation of Supreme Court Decision Number 815/PDT/2018, especially regarding land compensation payments. Using normative legal research methods with a legislative and analytical approach, this study examines the application of agrarian law and regulations related to land acquisition for public interest. The results of the study show that although residents have won the lawsuit at the Supreme Court, the implementation of the legal decision is still constrained by various factors, including government administration and limited legal evidence of land ownership. The consignment mechanism often exacerbates residents' dissatisfaction because it does not optimally involve them in the decision-making process. The imbalance between the need for infrastructure development and the protection of the rights of affected communities reflects the weak implementation of the principle of justice in land acquisition. Therefore, a more inclusive and transparent policy is needed to ensure that people's rights are protected in accordance with applicable laws and regulations.

Keywords: Land Acquisition; Legal Protection; Supreme Court; Compensation; Justice; Public Interest

Abstrak

Proyek pembangunan Jalan Tol Jatikarya yang merupakan bagian dari Jalan Tol Cimanggis-Cibitung bertujuan untuk meningkatkan konektivitas dan efisiensi transportasi di wilayah Jabodetabek. Namun, proses pembebasan lahan untuk proyek ini menimbulkan konflik, terutama mengenai pembayaran ganti rugi yang dianggap tidak adil oleh masyarakat yang terkena dampak. Penelitian ini bertujuan untuk menganalisis perlindungan hukum terhadap hak-hak masyarakat dalam pelaksanaan Putusan Mahkamah Agung Nomor 815/PDT/2018, khususnya mengenai pembayaran ganti rugi tanah. Menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan analitis, penelitian ini mengkaji penerapan hukum agraria dan peraturan perundang-undangan terkait pengadaan tanah untuk kepentingan umum. Hasil penelitian menunjukkan bahwa meskipun warga telah memenangkan gugatan di Mahkamah Agung, pelaksanaan putusan hukum tersebut masih terkendala oleh berbagai faktor, termasuk administrasi pemerintahan dan keterbatasan bukti hukum atas kepemilikan tanah. Mekanisme konsinyasi seringkali memperparah ketidakpuasan warga karena tidak melibatkan mereka secara optimal dalam proses pengambilan keputusan. Ketidakseimbangan antara kebutuhan pembangunan infrastruktur dan perlindungan hak-hak masyarakat terdampak mencerminkan lemahnya penerapan prinsip keadilan dalam pembebasan lahan. Oleh karena itu, diperlukan kebijakan yang lebih inklusif dan

transparan untuk memastikan hak-hak masyarakat terlindungi sesuai dengan peraturan perundang-undangan yang berlaku.

Kata Kunci: Pembebasan Lahan; Perlindungan Hukum; Mahkamah Agung; Ganti Rugi; Keadilan; Kepentingan Umum

Introduction

The Jatikarya Toll Road construction project is part of a large toll network connecting the Greater Jakarta area, designed to strengthen national transportation infrastructure. This toll road is not only a solution to congestion in the Jakarta metropolitan area, but also aims to facilitate logistics distribution and support the economic growth of the surrounding region (Ahmad, 2022). The construction of toll roads for the public interest on the Cimanggis - Cibitung Toll Road consists of Section I (Junction Cimanggis - On/Off Ramp Jatikarya) along 4.2 Km, where currently Section I has completed its construction and is fully operational for the public to enjoy. Then Section II (On/Off Ramp Jatikarya-Junction Cibitung) along 4.2 Km, Cimanggis - Cibitung Toll Road has an important role, where this toll road becomes a connecting access between the road from Cibubur to Jagorawi Toll Road. If previously to go to the middle of the Transyogi / Alternative Cibubur road access from the Jagorawi Toll Road and vice versa could take more than 30 minutes, currently if road users go through the Cimanggis - Cibitung Toll Road Section I only requires a faster travel time of about 5-10 minutes. This toll road is located in the Jatikarya urban village in Jatisampurna sub-district, Bekasi City, West Java, Indonesia. Geographically, this village is in the southernmost corner of the Bekasi City Region which is directly adjacent to Bogor Regency and Depok City (Denny Kurniawan, 2023).

This toll road, which is part of the Cimanggis-Cibitung Toll Road, is an important route connecting the eastern and western regions of Greater Jakarta, speeding up travel between industrial areas in Bekasi and downtown Jakarta. Opening in phases, the Cimanggis-Cibitung Toll Road is expected to be one of the most congested toll roads in the region, given its strategic position. With the land acquisition for the toll road construction project, environmental stability and the economic and social life of the community whose land is acquired will be disrupted. Examples of social and economic impacts are community dissatisfaction with the delay in compensation, air and noise pollution during the construction process, opening new jobs, overhauling the livelihoods, income and expenses of local residents, and many more. The legal basis for land acquisition has undergone several changes over time. Land Acquisition for the construction of the Cimanggis - Cibitung Toll Road refers to Law Number 2 of 2012 because its implementation took place in 2014 and began to be completed in 2020 (Octola Shafa Kayonga, 2023).

According to data from the Toll Road Regulatory Agency (BPJT), the Jatikarya Toll Road, which is one of the important segments of the Cimanggis-Cibitung Toll Road, has a traffic volume that continues to increase every year (Ayu Andani et al., 2019). By 2023, it is reported that toll users in this segment will reach more than 100,000 vehicles per day, especially during the morning and evening rush hours. As one of the main gateways for vehicles heading to industrial areas in Bekasi and Karawang, as well as an alternative route to downtown Jakarta, the Jatikarya Toll Road has an important role in facilitating the flow of goods and services in the Jabodetabek area. In addition, data from PT Jasa Marga also shows that the increase in toll users in this segment has an annual increase of around 8-10%, along with the increasing population and economic activity in the surrounding area. Since its opening, the Jatikarya Toll Road has attracted attention

not only as a transportation infrastructure project, but also as an important investment for regional development. This toll project is expected to reduce the traffic load on major arterial roads such as Jalan Raya Narogong and Jalan Raya Transyogi which often experience severe congestion, especially during peak hours. With this toll road, travel time from Bekasi to Jakarta can be cut significantly, providing great benefits to workers and businessmen who frequently use this route. In addition, the toll road is also expected to improve connectivity to the rapidly growing residential and industrial areas around Bekasi, Bogor and Cibitung, spurring further investment in the area.

However, while the benefits of the toll road project are significant for improving transportation efficiency and the economy, the project also has a major impact on the surrounding communities, especially those who have to let their land be acquired for development purposes. The land acquisition process for this toll project has not always gone smoothly, and some landowners in the Jatikarya area have faced serious problems related to the payment of compensation for their land (Susanto, 2019). The land located in this strategic area has a high economic value, but the government through the appraisal team determined compensation that was considered not comparable to market prices, causing dissatisfaction among local residents. The land acquisition process has created tension between the residents and the government, because although the toll road development has a positive impact on the public at large, the people directly affected feel marginalized (Khristina et al., 2020). In this case, residents whose land was taken for the construction of the Jatikarya Toll Road demanded that the replacement process be carried out fairly and in accordance with the land price that should be (Aisyah et al., 2023). Unfortunately, delays in the compensation payment process became one of the main problems that surfaced, which eventually triggered protests from residents and toll road closures as a form of disappointment with the government's slow response (Rohmat & Rohmatika, 2024). This dissatisfaction culminated in a protest action, where several land heirs in Jatikarya chose to close the toll road access as a form of resistance against the government. In 2023, Jatikarya residents' protest action became a public spotlight when they closed the toll road in an effort to get more attention from the government regarding unrealized compensation payments. This action showed the frustration of residents who had been waiting for years since their land was taken for a toll road construction project. Despite various efforts, including through legal channels, residents feel that the government has not provided an adequate solution. The Supreme Court verdict that won the residents' lawsuit regarding compensation does not seem to be enough to force the government to immediately carry out its obligations. In fact, some residents have taken court channels to fight for their rights, but until now the implementation of the decision is still delayed. Not only are residents feeling disadvantaged, but the protracted legal process has also caused psychological distress for the heirs. Many residents rely on the land as a source of life and livelihood.

Land has not only economic value, but also emotional and social value to families that have been passed down for generations. When their land rights are at stake, many heirs feel that their livelihoods are threatened, especially given the slow and uncertain process of compensation payments. For example, in a hearing in April 2023, several heirs wept before the court, voicing their despair at a process that seemed to be working against them. They revealed that they had been waiting for more than five years for clarity on compensation payments, but had yet to receive their rightful entitlements. One of the reasons behind the slow pace of compensation payments is the allegations against some of the heirs that they are part of the "land mafia". This accusation adds to the complexity of the problem, as the government considers that there are indications that some of the heirs are deliberately playing with the legal process to obstruct the construction of the toll

road. This accusation certainly exacerbated the situation, as residents not only had to fight for their rights, but also faced a negative stigma that could defame them. However, after a long legal process. The Bekasi District Court eventually ruled that the allegations were unfounded. The judges found the heir's attorney not guilty and acquitted him of all charges. While this is a legal victory for the residents, the main issue regarding the payment of compensation remains unresolved, and the government has yet to provide certainty as to when the rights of the residents will be fully fulfilled.

From an agrarian law perspective, the issues in this case are closely related to the Basic Agrarian Law (UUPA) No. 5 of 1960, which provides protection of land rights for all citizens (Rohmat & Rohmatika, 2024). UUPA emphasizes that land, water, and other natural resources are controlled by the state and used to the greatest extent for the prosperity of the people (Khristina et al., 2020). However, in the context of infrastructure development, as seen in the Jatikarya case, the conflict between citizens' rights to land and the government's need to acquire land often creates tension. Law No. 2/2012 on Land Acquisition for Development in the Public Interest provides the legal framework for the government to acquire land, but it also stipulates that any land acquisition must be carried out by providing fair and adequate compensation to landowners. Unfortunately, in many cases, including in Jatikarya, the implementation of these rules is often not in accordance with the principles of justice stipulated by agrarian law. Law No. 2/2012 on Land Acquisition for Development in the Public Interest regulates that every land acquisition process must go through deliberations between the government and landowners to determine the amount of compensation (Murbasari & Karjoko, 2022). These deliberations aim to reach a mutual agreement between the parties entitled to the land and the government, so that the land acquisition process can be carried out in a peaceful and fair manner. However, if no agreement is reached in the deliberation, the law gives landowners the right to file an objection to the court. In the Jatikarya case, residents have exercised this right and won their case in the Supreme Court. This verdict should have been a major victory for the residents, as the Supreme Court ruled that they were entitled to receive fair compensation. However, although the verdict is legally binding, its implementation is still hampered by various administrative obstacles at the government level. As a result, the residents' rights to compensation remain delayed, and they are still struggling to get justice. The Supreme Court Decision Number 815/PDT/2018, which won the residents' lawsuit regarding compensation, does not seem to be enough to force the government to immediately carry out its obligations. In fact, several residents have taken the court route to fight for their rights, but until now the implementation of the decision is still pending. Not only do residents feel disadvantaged, but the protracted legal process also causes psychological pressure on the heirs. Many residents rely on the land as a source of life and livelihood.

Thus, land acquisition measures must be implemented so that land can be used legally and in accordance with the interests of the development of infrastructure projects, such as the Jatikarya Toll Road Project. To ensure that community rights are protected in this process, there needs to be a clear mechanism for the transfer of land rights in the public interest, as well as the valuation and calculation of fair and just compensation for affected landowners. Uncertainty in the implementation of the Supreme Court's decision regarding the payment of compensation for the land of communities affected by this project raises serious legal issues.

The research titled “Analysis of Legal Protection Against the Supreme Court Decision in Payment of Community Land Compensation Related to the Jatikarya Toll Road Project” aims to address pressing issues surrounding the implementation of compensation for land rights holders affected by the construction of the Jatikarya Toll

Road. One of the main problems is understanding the mechanism for implementing compensation based on Supreme Court Decision Number 815 PK/Pdt/2018, which serves as a pivotal reference in this matter. The study also seeks to examine the extent of legal protection afforded to land rights holders during the compensation determination process. This research is significant as it highlights the legal and procedural complexities encountered by affected landowners, ensuring that their rights are upheld in line with applicable laws and regulations. The objectives include analyzing the mechanism of compensation implementation to provide clarity and fairness in addressing land loss. Furthermore, the study aims to evaluate the adequacy of legal protections in safeguarding the rights of individuals impacted by infrastructure projects, particularly in cases like the Jatikarya Toll Road project. By addressing these issues, the research intends to contribute to the development of equitable legal frameworks for compensation and protect the interests of vulnerable parties in similar infrastructure initiatives.

Method

This research employs a normative legal research method, focusing on the systematic analysis of applicable legal regulations, with Supreme Court Decision Number 815 PK/Pdt/2018 as the primary case study. Utilizing a statutory and analytical approach, the study examines laws and regulations related to land acquisition for public interest and analyzes their practical application in judicial decisions. Secondary data is the primary data source, encompassing primary legal materials (laws and regulations), secondary legal materials (doctrine, legal journals, and cases), and tertiary legal materials (dictionaries and supporting references). Data collection is conducted through library research, while qualitative analysis is used to evaluate and interpret data based on juridical problems, leading to descriptive-qualitative insights. This comprehensive approach allows the research to systematically address the legal mechanisms and protections involved in land compensation issues, offering well-founded conclusions to resolve the formulated problems.

Result and Discussion

1. Mechanism of Execution of Compensation to Land Rights Holders for the Jatikarya Toll Road Development Project Based on Decision Number 815 PK / Pdt / 2018

In the construction of toll roads, it certainly requires a very large area of land as a container. It can be said that land and development are two interrelated elements, so it can be said that there is no development that does not require land, including the construction of toll roads themselves. The use of land for various types of development causes the land itself to be increasingly scarce. While inversely proportional to human needs that certainly always need land from birth to death even for development even though the land itself does not increase and quantitatively land is not an object that is relatively increasing. Therefore, in development, especially the construction of toll roads, it certainly requires land acquisition activities (Minulyo, 2007).

The execution of compensation decisions against land rights holders affected by land acquisition for development projects in the public interest requires legal certainty and conformity with applicable legal procedures. In the context of Supreme Court Decision Number 815 PK/Pdt/2018, there are legal bases and mechanisms that must be understood to ensure that this process runs according to the rules. The execution of civil decisions is regulated by several relevant regulations, such as Law No. 5/1960 on the Basic Regulation of Agrarian Principles (UUPA), which in Article 18 paragraphs (1) and (2) emphasizes that the state can take land rights for the public interest by providing adequate and fair

compensation. In addition, Presidential Regulation No. 62/2018 on Community Social Impact Handling in the Framework of Land Provision for National Strategic Projects regulates compensation and handling of social impacts arising from land acquisition. Law No. 2/2012 on Land Acquisition for Development in the Public Interest also regulates compensation payments made to the entitled parties after determining the form and value of compensation through deliberation. As a guideline in implementing the decision, the Supreme Court refers to Supreme Court Circular Letter (SEMA) Number 10 of 2009 which regulates the submission of a request for judicial review if there is a conflict between decisions (Sinilele, 2017).

In the analysis of Decision No. 815 PK/Pdt/2018, the Supreme Court decided that Decision No. 218 PK/Pdt/2008 is the applicable legal basis, because it has determined the status of land ownership and the amount of compensation. This decision ended legal uncertainty due to conflicts with two other decisions, namely Decision No. 543 PK/Pdt/2013 and Decision No. 331 PK/Pdt/2017. In this decision, the Supreme Court stated that the disputed object of land in Jatisampurna/Jatikarya Village belongs to the plaintiffs and they are entitled to compensation of Rp228,713,400,000.00. This decision reflects the principle of *litis finiri oportet*, which ensures a final settlement in legal cases. The execution process begins with a request from the winning party to the President of the local District Court. The court then identifies the object of execution by inspecting the location of the land to be executed, and notifies the relevant parties of the execution. Payment of compensation, the amount of which has been stipulated in the verdict, is made to the entitled party after the value of the compensation is authorized by the Land Agency. After the payment is completed, physical execution of the land can be carried out, including vacating the land and handing over the land to the development authority. In this process, the court and legal apparatus will supervise the execution (Kotalewala et al., 2020).

Social impact resolution due to land acquisition is also a concern, as stipulated in Presidential Regulation No. 62/2018, which includes providing compensation or additional facilities for affected communities, such as new housing or job training. However, execution often faces obstacles, including dissatisfaction from aggrieved parties, ownership claims by third parties, and resistance from the people who control the land. Supreme Court Decision No. 815 PK/Pdt/2018 emphasizes the importance of legal certainty in resolving land disputes. The determination of Decision No. 218 PK/Pdt/2008 as the applicable legal basis reflects the principle of *nebis in idem*, which prevents the same case from being tried repeatedly. Execution must be carried out with transparency and in accordance with legal provisions to avoid further conflict. The government and the National Land Agency (BPN) need to ensure that proper and fair compensation is given to the rightful parties, and strengthen mediation and supervision mechanisms to prevent similar disputes in the future, in order to support development projects that benefit the public interest without ignoring the rights of landholders. The execution of civil judgments does not only depend on existing regulations, but also requires assertiveness from the court to ensure that the decisions that have been made are accepted by all parties. In this case, the execution process, which involves the court, government, and other relevant institutions, must be carried out fairly, transparently, and in accordance with applicable procedures. The Supreme Court's decision establishing Decision No. 218 PK/Pdt/2008 as a valid legal basis shows that legal continuity must be respected, and consistent law enforcement is essential to create legal certainty (Miranti et al., 2018).

In addition, in the execution, it is also important to pay attention to the rights of affected communities. Land acquisition for public interest often leaves social impacts, such as relocation or loss of livelihood for affected residents. Therefore, relevant parties

need to ensure that these social impacts are handled wisely and in accordance with legal provisions, so as not to add new tensions or conflicts. The government and agencies such as the National Land Agency (BPN) must play an active role in managing land acquisition and providing adequate compensation, as well as facilitating affected residents with various forms of compensation, such as housing or economic assistance. A smooth and fair execution process will set an example for the community on the importance of legal firmness and fairness in land dispute resolution. In addition, it will also strengthen public confidence in Indonesia's legal system in supporting strategic projects critical to national development, while safeguarding the rights of individuals. Thus, a well-executed judgment execution will strengthen the principle of the rule of law that upholds justice and the welfare of society (Pakaya et al., 2022).

However, in practice, the construction of the Jatikarya toll road in Bekasi City has faced compensation issues since 2011, although the toll road has been completed in 2023 and officially opened for operation without tariffs. Based on the results of the research, the implementation of compensation in the Jatikarya toll road project was constrained by the issue of compensation payment, which was caused by the absence of land ownership certificates. About 78 people did not receive compensation because they used girik C and 38 sheets of land and building tax (PBB), which hampered payments to some residents. In the settlement of compensation for the Jatikarya toll road project, the community is entitled to receive compensation because the heirs have won the Supreme Court's decision in Judicial Review (PK) II with No. 815/PDT/2018, in December 2019 and stated that the land belongs to Jatikarya residents. Therefore, this study analyzes the legal protection of the Supreme Court Decision by the Bekasi City Government in paying compensation for community land related to the Jatikarya toll road project.

2. Legal Protection for Land Rights Holders against Transfer of Land Rights for the Public Interest of Jatikarya Toll Road Development

The process of land acquisition for the public interest, such as the construction of the Jatikarya Toll Road, involves various legal stages designed to protect the rights of landowners while ensuring the smooth development of strategic infrastructure. In this case, Law No. 2/2012 became the main legal basis governing land acquisition procedures and compensation to landowners. However, in its implementation, many problems arose mainly related to disagreements over the value of compensation that was considered too low by landowners (Rizky et al., 2021). According to Article 1 paragraph (2) of Law No. 2 Year 2012, land acquisition is the activity of providing land by providing fair and just compensation. In the context of the Jatikarya Toll Road, the deliberation process stipulated in Article 37 is the first step to determine the amount of compensation. However, in many cases, such as in Jatikarya, the deliberation does not reach an agreement due to the difference between the value offered by the government and the expectations of the community. If the deliberation fails, Article 38 of Law No. 2 Year 2012 gives the landowner the right to file an objection to the court (Widiyono & Khan, 2023). Jatikarya residents have exercised this right, and the Supreme Court ruled in their favor. However, although the court's decision is final, implementation has been delayed. This raises serious questions about the effectiveness of the legal system in providing certainty and justice for landowners.

The unfinished implementation of compensation payments stems from the fact that neither the landowners nor their heirs have valid proof of ownership, namely the state-issued *Serifikat Hak Milik* (SHM) which is recognized as valid proof of land ownership, and they can only prove the *Girik* that they have owned since ancient times as proof of ownership, while *Girik* cannot be used as proof of ownership of land rights because *Girik*

is only proof of payment of land tax, not a valid certificate of ownership. Girik does not provide legal certainty regarding who is the legal owner of the land, because it is not registered in the land system managed by the National Land Agency (BPN). Girik does not indicate ownership rights over land, but only administrative obligations over the land. Land with girik is often vulnerable to ownership disputes, as it does not have the same legal force as a land certificate, and girik is now a term referring to customary land with ownership status that has not been officially registered. This delay has legal repercussions for landowners, including uncertainty about when they will receive compensation. In this situation, Article 40 states that following a final court decision, the government is obliged to implement the compensation payment. However, in this case, implementation was hampered by administrative and bureaucratic problems and perceived land disputes, which in this case had a direct impact on the economic and social lives of the residents concerned. One of the solutions used by the government when land disputes occur in determining the value of compensation is consignment (Tisnanta & Firmansyah, 2018). Under Article 42 and Article 43 of Law No. 2/2012, if the landowner refuses the offered compensation, his/her whereabouts are unknown, or the land is under dispute, the government can deposit the compensation in court. However, while consignment allows projects to proceed, this mechanism often creates a sense of dissatisfaction as landowners lose their rights without receiving direct compensation. The use of consignment can have serious legal consequences for landowners, especially if they do not actively object within the stipulated time. Article 39 states that if landowners do not file an objection within the prescribed period, they are deemed to have accepted the stipulated compensation. This means that even if landowners feel aggrieved, their rights to the land will be lost without getting the expected compensation if they do not take timely legal action.

Land acquisition for strategic infrastructure projects such as the Jatikarya Toll Road has various legal and social implications. In this context, the construction of the Jatikarya Toll Road caused conflicts between the government and residents because the compensation stipulated was not paid on time and the results of the deliberations were even more burdensome for the community which was considered to have a “land mafia” in it and the attorneys for the owners of land rights were also charged with document forgery. Land acquisition for the public interest should be carried out with due regard to the principles of justice and welfare. The principle of balance in land acquisition emphasizes that the rights of landowners must be properly accommodated, without disproportionately sacrificing the interests of the community. However, the reality on the ground shows that mechanisms such as deliberation often do not run optimally. Many citizens do not have access to adequate information or legal knowledge, so they tend to be unaware of their rights. This can be seen from the slow response of the government in providing adequate compensation for residents affected by the Jatikarya Toll Road project.

Land acquisition cases are also closely related to the concept of social justice stipulated in Article 33 paragraph (3) of the 1945 Constitution, which states that the earth, water and other natural resources are controlled by the state and used to the greatest extent for the prosperity of the people (Rachman, 2016). However, in some land acquisition cases, including the Jatikarya Toll Road project, this concept is often not applied to its full potential. Residents who lose their land often feel that their interests are being sacrificed in favor of infrastructure development, without taking into account long-term social and economic impacts (Ruslina, 2016). When the land is taken away, they lose their resources. Consignment mechanisms, which are supposed to reflect the concept of social justice, often fail to solve the problem effectively. Instead of being an equitable solution, this approach sometimes exacerbates injustices and prolongs conflicts, thus failing to fulfill its

main objective of creating balance and justice for all parties involved as landowners remain deprived of the rights that rightfully belong to them.

In addition, Human Rights Law No. 39/1999, particularly Article 36, states that everyone has the right to ownership of lawfully acquired property, and such rights shall not be arbitrarily expropriated. In the case of land acquisition, the government's expropriation of land for the public interest must take these principles into account. If the government does not immediately implement a court decision or provide adequate compensation, this can be considered a violation of the basic rights of the landowner. In analyzing the legal protection of the Jatikarya Toll Road case, it appears that the land acquisition system implemented has not fully guaranteed justice for landowners. The principles of justice and welfare that are the foundation of the Land Acquisition Law are not always achieved in practice. Landowners affected by large infrastructure projects are trapped in dissatisfaction due to the uncertainty of compensation settlement. Although mechanisms such as consignment and deliberation have been regulated, the reality is that many landowners feel aggrieved by slow and non-transparent procedures that lead to unresolved problems. To achieve greater fairness in land acquisition, it is important for the government to not only comply with applicable laws, but also to ensure that the rights of landowners are maximally protected. The deliberation process should be made more transparent and inclusive, so that landowners feel involved in every stage of decision-making and provide certainty and justice for all parties. In addition, in the implementation of execution, it is also important to pay attention to the rights of the affected community. Land acquisition for public interest often leaves social impacts, such as relocation or loss of livelihood for affected residents. Therefore, related parties need to ensure that these social impacts are handled wisely and in accordance with legal provisions, so as not to increase tensions or new conflicts. The government and institutions such as the National Land Agency (BPN) must play an active role in managing land acquisition and providing appropriate compensation, as well as facilitating affected residents with various forms of compensation, such as housing or economic assistance. Based on Article 42 and Article 43 of Law No. 2 of 2012, if the landowner rejects the compensation offered, its whereabouts are unknown, or the land is in dispute, the government can deposit compensation in court. However, although consignment allows projects to proceed, this mechanism often causes dissatisfaction because landowners lose their rights without receiving direct compensation. The use of consignment can have serious legal consequences for landowners, especially if they do not actively file objections within the specified time. Article 39 states that if the landowner does not file an objection within the specified time period, they are deemed to have accepted the stipulated compensation (Bhakti, C. et al, 2023).

Conclusion

The implementation of compensation for land rights holders in the Jatikarya Toll Road Construction Project, as based on Supreme Court Decision Number 815 PK/Pdt/2018, follows the framework of national agrarian laws, including the UUPA and Law No. 2/2012, which mandate fairness and transparency in land acquisition for public interest projects. However, in practice, significant issues arise, such as conflicts over low compensation values, delays in payment, and a lack of legal certainty, especially for landowners without proper land ownership certificates (SHM). Compensation mechanisms involve deliberations to determine values, but these often fail to reach consensus, leading to the government's use of a consignment mechanism where compensation is deposited in court, further alienating affected landowners. Legal protection for these land rights holders is undermined by procedural gaps, the insufficient

recognition of alternative ownership proofs like girik or PBB, and the delayed execution of court rulings, including those with permanent legal force. This lack of timely and equitable compensation not only disregards the rights of landowners but also erodes trust in the legal system and amplifies the social and economic burdens on affected residents, highlighting the need for better adherence to legal principles and transparent practices in infrastructure development.

Reference

- Aisyah, A., Giawa, A., Syafruddin, S., Afrita, A., & Sidabariba, B. (2023). Compensation for land for the construction of the Medan-Tebing Tinggi toll road in 2013. *International Journal of Social Science, Education, Communication and Economics (SINOMICS JOURNAL)*, 2(4), 1057-1064.
- Arba, H. (2019). *Hukum Pengadaan Tanah Untuk Kepentingan Umum*. Jakarta Timur: Sinar Grafika
- Ayu Andani, I. G., Geurs, K., & Puello, L. L. P. (2019). Effects Of Toll Road Construction On Local Road Projects in Indonesia. *Journal of Transport and Land Use*, 12(1), 179–199.
- Bevan, S., & Rasmussen, A. (2020). When Does Government Listen To The Public? Voluntary Associations And Dynamic Agenda Representation in the United States. *Policy Studies Journal*, 48(1), 111-132.
- Bhakti, C., Samudra, A. A., & Suradika, A. (2023). Impact and Resolution of Land Conflict Cases on Rempang Island, Indonesia. *Journal of Law and Sustainable Development*, 11(12), 1-29.
- Diantha, I. M. P. (2016). *Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum*. Jakarta: Prenada Media Group.
- Fahmi Salam Ahmad. (2022). Dampak Pembangunan Jalan Tol Trans Jawa terhadap Perekonomian Megaregion Pantura di Jawa Tengah. *Jurnal Wilayah Dan Kota*, 9(02), 80–90.
- Hassan, H. (2018). Manajemen Konflik dalam Pengadaan Tanah Bagi Pembangunan Jalan Tol Batang – Semarang. *Journal of Politic and Government Studies*, 8(1), 1–20
- Ibrahim, J. E. & J. (2018). *Metode Penelitian Hukum: Normati dan Empiris*. Jakarta: Prenada Media Group.
- Kayonga, O. S. (2024). *Dampak Pembangunan Jalan Tol Cimanggis–Cibitung Seksi I Terhadap Kondisi Sosial Ekonomi Masyarakat Di Kelurahan Jatikarya, Kecamatan Jatisampurna, Kota Bekasi* (Doctoral Dissertation, Sekolah Tinggi Pertanahan Nasional).
- Khirunnisaa Pakaya, Mutia Cherawaty Thalib, Julius T, M. (2022). Mekanisme Pelepasan Hak Atas Tanah Untuk Kepentingan Umum di Desa Dumati Kecamatan Telaga Biru Provinsi Gorontalo. *Jurnal Pendidikan Dan Konseling*, 4(20), 1349–1358.
- Khristina, D., Warman, K., & Andora, H. (2020). Deposit of Compensation in Land Acquisition for the Construction of the Padang-Pekanbaru Toll Road in Public Interest. *International Journal of Multicultural and Multireligious Understanding*, 7(8), 285.
- Kotalewala, F., Laturette, A. I., & Uktolseja, N. (2020). Penyelesaian Sengketa dalam Pengadaan Tanah Bagi Pembangunan Jalan untuk Kepentingan Umum. *SASI*, 26(3), 415.
- Kurniawan, D. (2023). *Implementasi Ganti Rugi Pada Proyek Tol Jatikarya Kota Bekasi* (Doctoral Dissertation, UIN Sunan Gunung Djati Bandung).
- Minulyo, A. J. (2007). Penanganan Masalah Pertanahan. *Jurnal Hukum Pro Justitia*, 25(3), 198-212

- Miranti, C. N., & Yusri, Y. (2018). Tanggung Jawab Pemerintah Kota Terhadap Penyelesaian Ganti Kerugian Pembebasan Hak Atas Tanah Dan Bangunan Milik Masyarakat. *Jurnal Ilmiah Mahasiswa Bidang Hukum Keperdataan*, 2(3), 488-497.
- Murbasari, M. T. D., & Karjoko, L. (2022). The Mechanism of Establishing Compensation in Land Procurement of the Construction of the Kulon Progo Yogyakarta Solo Toll Road in Klaten District. *IJRAEL: International Journal of Religion Education and Law*, 1(2), 135–143.
- Putri, K., & Marzuki, P. (2020). Model of Land Acquisition Productivity Performance For Toll Road Projects in Indonesia. *Civil and Environmental Science*, 003(02), 84–94.
- Rachman, I. N. (2016). Politik Hukum Pengelolaan Sumber Daya Alam Menurut Pasal 33 UUD 1945. *Jurnal Konstitusi*, 13(1), 195.
- Rita, E., Carlo, N., & Nandi. (2022). Penyebab Dan Dampak Keterlambatan Pekerjaan Jalan Di Sumatera Barat Indonesia. *Jurnal Rekayasa*, 11(1), 27–37.
- Rizky, S. F., Yamin, M., & Purba, H. (2021). Juridical analysis of implementation of land procurement compensation for toll road construction. *International Journal of Law*, 7(4), 63–66.
- Rohmat, N., & Rohmatika, F. A. (2024). Reconstructing Land Acquisition and Compensation Policies for the Public Interest: Perspective on the Value of Justice in Indonesian Land Law. *Pancasila International Journal of Applied Social Science*, 2(02), 196–205.
- Ruslina, E. (2016). Makna Pasal 33 Undang-Undang Dasar 1945 Dalam Pembangunan Hukum Ekonomi Indonesia. *Jurnal Konstitusi*, 9(1), 49.
- Shafa, A. N., & Pandamdari, E. (2023). Pemberian Ganti Kerugian Pembangunan Jalan Tol Di Kabupaten Ogan Ilir. *Reformasi Hukum Trisakti*, 5(1), 56-63.
- Sinilele, A. (2017). Tinjauan Yuridis terhadap Pelaksanaan Pengadaan Tanah bagi Pembangunan untuk Kepentingan Umum di Kota Makassar. *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, 4(1), 1.
- Susanto, N. (2019). Public (Dis)Engagement in Toll Road Project: A Case Study from Indonesia. *JKAP (Jurnal Kebijakan Dan Administrasi Publik)*, 23(1), 77.
- Widiyono, T., & Khan, M. Z. K. (2023). Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law. *Law Reform: Jurnal Pembaharuan Hukum*, 19(1), 128–147.