

# Role of Assessment Team in Land Procurement as One of the Reference Determination of Land Prices by the North Sulawesi Regional Government

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## Abstract

To reach a prosperous, fair and wealthy society is the dream of every country in the world, one of the facilities to make it happen by doing construction. Construction must be supported by adequate infrastructure in addition to improving community welfare. In its construction, construction really requires adequate land, but in the implementation of land acquisition it is often a problem about land pricing as a form of compensation. The community as the party entitled to the land will refer to the market price, while the government that requires the land to survive with the price of the Tax Object Selling Value, in terms of lower value and is felt unfair by the community. Therefore the current legal system of land acquisition uses the services of an independent and professional Land Appraisal Team to carry out land acquisition in the context of accelerating and effectiveness of development in Indonesia. The purpose of this study is to examine the problem of the implementation of land valuation by the assessment team in the procurement of land for the public interest and the role of the land assessment team for land acquisition for the public interest in determining land prices. The results of this study are expected to be used as input for legal science, especially in the fields of Agrarian and Land Law, civil law and legal science in general and can be used as a reference for further research. This study uses the Socio Legal research method refers to the norms that are and formulated with data in the field based on the results of interviews which are then used to analyze the data and make conclusions about the problem under study. The object of this research is located in Manado City, Minahasa Regency, Bolaangmongondow Regency, Kotamobagu City, Bitung City, Tomohon City, North Minahasa Regency, South Minahasa Regency and Talaud Regency. Based on the results of the study, the assessment team had worked according to the rules, but from the community had not felt justice for their welfare based on the reason the assessment team did not refer to market prices, assessment team data as a non-transparent measure, objections to the value submitted by the community would not be granted by the Supreme Court. The involvement of community participation must be used for the people's welfare. Further problems regarding land acquisition for customary land for public purposes.

**Keywords:** Procurement; Land; Appraisal; justice.

## Introduction

Indonesia, which has a very large land area, this makes land one of the most urgent problems among other issues. After Indonesia's independence, the government carried out a "land reform" project marked by the promulgation of Law No. 5 of 1960 concerning Basic Agrarian Principles Regulations, hereinafter abbreviated as UUPA.<sup>1</sup>

Land or land owned by the government is now reduced, so land acquisition is needed. According to Schumpeter<sup>2</sup> economic development is not a harmonious or gradual process, but a spontaneous and uninterrupted change. Economic development is caused by changes especially in industrial and trade fields. Economic development must be supported by infrastructure development, while infrastructure development requires land.

It becomes a problem with regard to the authority of the state in the public interest, where a meeting of interests between individual interests or a communal (ulayat) as the holder of the right to land with the government which transfers the public interest.

In order not to violate the rights of landowners, the procurement of land for development needs must be carried out by taking into account the principles of public interest in accordance with applicable legal provisions. Land acquisition is any activity to obtain land by providing compensation to those who release or surrender land, buildings, plants or objects related to land. Land acquisition can be carried out by the private sector or the government. If land acquisition is carried out by the private sector, then the way to do it is by buying and selling, exchanging, or other means that have been agreed upon by the parties concerned which can be done either directly or indirectly. The government carries out development in all aspects of people's lives.<sup>3</sup>

<sup>1</sup> Achmad Rusyaidi H \* <https://Prpmakasar.Wordpress.Com/2009/02/13/Pengadaan-Tanah-Untuk-Kepayakan-Umum-Antara-Kepangs-Umum-And-Protection-Hak-Asasi-Man/Pengantar>

<sup>2</sup> Suryana, 2000. Development Economics: Problems and Approaches. Jakarta: Salemba Empat, Plm. 5

<sup>3</sup> Riau Law Journal Vol. 2 No.1, May 2018, Manto Siregar, Aminuddin Salle, Sri Susyanti Nur, Faculty of Law, Hasanuddin University, One of the Government's Efforts in the Framework of National Development is Electricity Infrastructure Development, in which the Government Has Evaluated the Construction of 35,000 MW Electricity Projects and On February 13, 2017 the Government Issued Presidential Regulation Number 14 of 2017 concerning Amendments to Presidential Regulation Number 4 of 2016 concerning the Acceleration of Electricity Infrastructure Development.

For example, the procurement of land for the construction of electricity infrastructure is carried out by State Electricity Enterprise (PLN) conducted in Riau Province, which refers to Presidential Regulation 14 of 2017.<sup>1</sup>

The issue of compensation value is the most sensitive component in the land acquisition process. Negotiations regarding the form and magnitude of compensation value are often the longest and protracted processes due to the absence of a meeting point agreed upon by the parties concerned. The protracted process is very detrimental to the course of development itself.<sup>2</sup>

The process of land acquisition will never be separated by the problem of compensation, it is necessary to conduct prior research on all information and data submitted in the estimation of compensation. If an agreement has been reached regarding the form and amount of compensation, compensation payments will only be made then proceed with the release or surrender of the land rights in question. Determination of land prices will be a problem if the price is not as desired by the land owner. Based on the results of the research many cases of value objections that occur due to dissatisfaction with the prices set by the assessment team. Assessment of the land used as the object of land acquisition includes land along with those attached to the land. The assessment team is very instrumental in the process of land acquisition to measure the value of the object of the land to be released by the owner. Measures for the assessment of the assessment team are often a problem or objection from the land owner. The role of the assessment team in the procurement of land can be a reference in determining the price of land by the local government of North Sulawesi Province. Based on the results of previous studies showing the effectiveness of the assessment team is crucial in the process of land acquisition.<sup>3</sup>

Based on the above problems, this research was conducted to explore the procedure of land acquisition for public interest and how the role of the assessment team especially related to the issue of compensation value and legal settlement mechanism when compensation was denied by the owner of the land in the North Sulawesi Province. Framework for accelerating infrastructure development.

#### **A. Statement of the Problem**

Based on the description above, the formulation of the problem in this study is:

- a. How is the Land Assessment carried out by the Assessment Team for Public Interest in North Sulawesi?
- b. What is the Role of the Assessment Team in Determining Land Prices?

#### **B. Research Objectives**

- a. To find out the implementation of the Land Assessment by the Assessment Team for public interest in North Sulawesi
- b. Knowing the problem of the role of the Assessment Team in determining land prices.

#### **Research Methodology**

This study uses the Socio Legal research method refers to the norms that are and formulated with data in the field based on the results of interviews which are then used to analyze the data and make conclusions about the problem under study.

The approach method used in this study is the Socio Legal approach, which is a study that emphasizes legal science, but in addition it also attempts to examine the rules of law that apply in society. Socio Legal approach because besides through a juridical approach, this research also requires data that is in the field based on real experiences which are then used to analyze the data and make conclusions about the problem under study.

The problems that have been formulated above will be answered or solved using the Socio Legal approach method. Juridical approach (law is seen as the norm or *das sollen*), because in discussing the problem of this research uses legal materials (both written law and unwritten law or both primary legal material and secondary

<sup>1</sup> Ibid, Riau Law Journal Vol. 2 No.1, May 2018,, Land Procurement in the Context of Electricity Infrastructure Development Implementation Conducted By Pt Pln (Persero) In Accordance with Article 33 Paragraph (5) of Presidential Regulation 14 of 2017 Mentioning Land Utilization of Other Infrastructure As Intended as Utilization of Land Used by Infrastructure Roads, Railroad Infrastructure, or Gas Pipeline Infrastructure To Be Crossed by Electricity Infrastructure Both Above Land and Under the Ground. The Development of Electricity Transmission Has Started Since 2008 Very Far Too Late, Not Resolved Due To Constrained Land Acquisition Process, Where When Negotiating Land Prices Pln Must Buy With Tax Object Selling Value (Njop). However, the Presidential Regulation (Perpres) Number 04 of 2016 concerning the Acceleration of Electricity Infrastructure Development, then Pln Can Buy Land with Market Prices so that People Want to Sell Their Land, Because the Price of Njop Value is Usually as Hard as Market Prices.

<sup>2</sup> Newspaper News, Riau. Pos, Co, April 16, 2015. Constrained Price From 1603 Tread Tower, Pln Bau Bangun 315 Tapak Tower

<sup>3</sup> The Effectiveness of Land Price Appraisal Teams Becomes a Challenge Due to the Many Interests and Withdrawals Between Communities and Government Due to the Area of Land / Land of Different Affected Communities, Different Assets on Land Starting From Existing Plants and Buildings. The Number of Protest Non-Conformity Prices From Communities Become Big Issues That If Not Resolved In Accordance With Applicable Rules Will Affect The Constraints Of Road Widening Activities Towards Kasiguncu Airport. Yus Hastari Labiro, 2015, Work Effectiveness Of Land Price Appraisal Team On Broadening Entrance To Airports Kasiguncu Poso Regency E-Journal Katalogis, Volume 3 Number 12, December 2015, File: /// D: /Simlitamas%202018%20bnp/143407-Id-Efektif-Kerja-Tim-Rating-Harga-Tana.Pdf, pp. 163 -171

legal material). Empirical approach (law as a social, cultural or *das sein* reality), because in this study also used data obtained from the field. So, the Socio Legal approach in this study means that in analyzing the problem it is done by integrating legal materials (which are secondary data) with the primary data obtained in the field.

The object of this research is in North Sulawesi Province (hereinafter referred to as SULUT) in Manado City, Minahasa Regency, North Minahasa, Bolaangmongondow Regency, Kotamobagu City, Bitung City, Tomohon City, South Minahasa Regency and Talaud Regency. North Sulawesi is a province directly adjacent to the Philippines with borders by sea. This province has boundaries in the north with the Philippines; in the south with Tomini Bay; in the west with Gorontalo province; and in the East it borders the Maluku sea.

The specification of the study was carried out in a descriptive analysis, namely a study that made a description, description or painting systematically, factually and accurately regarding the facts, characteristics and relationships between the phenomena studied.

The research sample was in accordance with the object of the study which was the case study in the writing of this study, the location became a land acquisition project in North Sulawesi Province and became a case analysis based on the dispute in the Airmadidi District Court in North Minahasa District because the case was interesting to analyze. Based on the data obtained in the field, only a few research locations were used, because not all of them could provide detailed information regarding the role of the assessment team in determining land prices.

The data analysis technique in this study uses data analysis techniques from field studies and case analysis literature based on court decisions, the authors conduct studies and process the data in legislation, presidential decrees, journals and scientific studies and books relating to the background of the problem, including collecting data through searching the internet, electronic media and other information media. The traced data will be selected and sorted according to the level of importance (urgency) of the writing of the research results seminar through field research.

## Research Results And Discussion

### A. Implementation of Land Assessment by the Assessment Team for Public Interest.

Appraisers according to the Large Indonesian Language Dictionary: author. *lai* [n] who judge; estimator (price of mortgage goods etc.); estimator<sup>1</sup>

Article 1 Law 2 Year 2012 point 11, Land Appraiser, hereinafter referred to as Appraiser, is an individual who conducts an independent and professional assessment who has obtained an assessment practice permit from the Minister of Finance and has obtained a license from the Land Agency to calculate the value / price of the procurement object soil.

Land Appraisers are individuals who carry out an independent and professional assessment that has obtained an assessment practice permit from the Minister of Finance and has obtained a license from the Ministry<sup>2</sup> to calculate the value / price of the object of land acquisition.<sup>3</sup>

Land acquisition for public interest is carried out through four stages, namely; planning, preparation, implementation and delivery of results.<sup>4</sup> In the planning stage, the land acquisition process begins with the agency's plan that requires land to make land acquisition planning based on the Regional Spatial Planning and Development Priorities listed in the Medium-Term Development Plan, Strategic Plan, and Work Plan of the Government Agency concerned, based on Article 14 UU no. 2/2012.<sup>5</sup>

The use of deliberative institutions in determining the amount of compensation is an obstacle. Conceptually recognized, the deliberation body is appropriate and good, but in practice the agreement takes a long time when using the mechanism of deliberation. Therefore it is recommended to eliminate deliberation in determining the form and amount of compensation because the deliberations are no longer relevant, considering the determination of the amount of compensation determined by a professional and independent appraiser. The amount of compensation is based on the results of the compensation assessment set forth in the minutes of the agreement, and also the provisions in Article 38 paragraph 1 of Law No. 2/2012 which is the basis of the authority of the court to decide the case of objection to the agreement regarding the form and / or amount of compensation.

Article 1 of Law 2 of 2012 states that Land Acquisition is an activity of providing land by giving a reasonable and fair compensation to entitled parties. The activities referred to in this Law are inseparable from

1 [Http://Kamusbahasaindonesia.Org/Penilai/Miripkamusbahasaindonesia.Org](http://Kamusbahasaindonesia.Org/Penilai/Miripkamusbahasaindonesia.Org) Downloaded on 4 October 2018 At 3:30 p.m.

2 According to Presidential Regulation 148/2015 What Means Is The Ministry Is A Government Institution That Organizes Government Affairs In The Field Of Land.

3 Djoni Sumardi Gozali, Land Procurement Law. Principle of Agreement in Land Procurement for Development in the Public Interest, UII Press Yogyakarta, 2018 p.153

4 Article 13 Uu No. 2/2012 Jo Article 2 of Presidential Regulation No. 71/2012.

5 Djoni Sumardi Gozali, *Yuridika Journal Airlangga University* Volume 32 No. 3, September 2017 Regional Spatial Planning Based on: A. National Regional Spatial Planning; B. Provincial Spatial Planning; And / or C. District / City Spatial Planning (Article 4 of Presidential Regulation No. 71/2012). P.400

the role of land appraisal institutions. Determination of the amount of compensation is carried out by the Chairperson of Land Procurement Managers based on the results of the assessment of Public Appraisers or Appraisal services determined by the Chairperson of Land Acquisition. In working the land appraisers use the Indonesian Assessment Standard 306 (SPI 306) in 2013 as a reference. This standard is applied to activities for valuation of compensation or compensation in the context of land acquisition for development in the public interest, including direct purchases or through exchanges. The Indonesian Assessment Standards are compiled by the Indonesian Assessment Standards Compilation Committee (KPSPI), which is one of the components in the Indonesian Professional Appraisal Society (MAPPI) which is the only appraisal association recognized in Indonesia.

In the procurement of land for the public interest, it is based on the provisions in Indonesian regulations which are derived from Law No.5 of 1960 concerning Agrarian Affairs.

In its implementation in North Sulawesi the use of appraisals was taken from outside the region (Makassar and from Java), because in North Sulawesi there was no assessment team in question.

North Sulawesi Province according to research data, there are several development projects between 2017 - 2018 such as:

1. Kuwil Dam in North Minahasa
2. Toll Road Manado - Bitung
3. Manado Ring Road III
4. 150 MW of Minahasa Peak PLTG / MG Land Procurement

From the results of interviews with the North Sulawesi provincial National Land Agency, it was confirmed that the assessment carried out by the Appraisal team was very effective, even though the National Land Agency remained in practice before the deliberation process with the community, the assessment team had to explain the assessment to the National Land Agency.

Land acquisition for public interest in North Sulawesi is faced with many problems that occur so that from the implementing point of view this is a barrier to the project or development, starting from legitimate internal ownership problems (family problems) to price objections even though according to the law it can be resolved fast.

On the part of the community, most of them considered the effective Appraisal Team (rate assessment) even assessing the compensation given in this case in the form of monetary compensation (mostly) could be said as not compensation but compensation, even in accordance with our interview with National Land Agency land acquisition staff explained that there were also people who were grateful because their land would be passed by the road project instead, they wanted to give their land for free, because they considered the project very, very positive for them. However, not a few feel that this number does not fulfill their sense of justice and even legal efforts are taken to fulfill this sense of justice. For those who object to the numbers given in the deliberation, the land value is far from their expectations, so they raise their objections through legal channels, although in the end they lose the District Court or the Supreme Court.

The role of the assessment team was felt to be less effective in terms of value determination, because according to him the information / data taken in North Sulawesi was actually processed outside North Sulawesi, besides in terms of data collection according to him the person who took the data was different from the person who took the decision as well as against the appraisal numbers tend to be appraised based on the Sales Value of Taxable Object which increases in number.

## **B. Role of Assessment Team in Land Procurement as a Reference for Determining North Sulawesi Land Prices**

The existence of a Land Appraisal as a party tasked with evaluating land to be used for public interests greatly determines the value of compensation to be received by holders of land rights. Moreover, the assessment carried out will be used as the basis for deliberation to determine the value of compensation. Therefore a professional and credible Appraiser is absolutely necessary if the implementation of land acquisition really prioritizes the principles of humanity, democracy and justice that reflect the balance of rights between holders of land rights and agencies that need land.

In connection with "proper and fair compensation" this is one of the conflicts that often occur in addition to other conflicts regarding the establishment of development sites, in fact in the regulations the law has stipulated where the establishment of RT / RW Regional Spatial Planning is carried out transparently and easily accessible to the community and the process involves the community, as long as the establishment of RT / RW is not transparent, it will become a commodity that can be utilized by certain groups. Behind the demands for compensation that are too high, it should be understood that the community expects fair compensation, which allows rebuilding life in a new place, because it requires more social costs.

Determining land prices must see land law adhering to vertical principles, so it is difficult to separate the land itself from the objects attached to it.

There are strong indications that state law cannot supervise and protect people who practice land buying and selling, this is due to the limited state of service and supervision of land transactions caused by limited human and supporting facilities, as well as the economy.

Before 2015, the benchmark adopted by the government was Sales Value of Taxable Object. Now, the government is starting to use a new approach, namely prices above Sales Value of Tax Object that are closer to real value prices.

The main problem in the law relating to land acquisition / land acquisition for government programs is the polemic between the interpretation of the definition of "Appraisal Team" - what is meant by "appraiser" is an independent appraisal appraiser from the Public Appraisal Service Office (KJPP) or licensed appraisal it is a civil servant and is licensed by the government itself. The Constitutional Court seemed to take a "safe search" attitude by refusing to provide constitutional interpretation regarding the phrase "appraiser" when faced with a request for testing the law against Law No. 2 of 2012 concerning Land Procurement for Development in the Public Interest as in its decision registered in register No. 42 / PUU-XII / 2014. One alternative step that is quite accurate, is by proposing an independent KJPP appraisal when facing the results of the appraisal of the government. When there is an opportunity to file a lawsuit, both to the district court and the state administrative court to the value of compensation for land acquisition by the government, the independent KJPP appraisal report of the holder of land rights can be strong evidence of fair and reasonable values.

The problem of land acquisition is that the rightful people prefer market prices, this is why the assessment team must play an active role as mandated by Law Number 2 of 2012 concerning Land Procurement

for Development in the Public Interest. If Sales Value of Taxable Object can be used for referencing land values, it tends to be below the market price. Meanwhile, based on Presidential Regulation No. 65 of 2006, Article 15 paragraph (1), the basis for calculating the amount of compensation for land based on actual value to selling value a. The current tax assessment team for the assessment of the Land Price

Appraisal Team; The sale value of buildings is estimated by regional equipment b. responsible for building; The sale value of plants is estimated by regional apparatus c. responsible for agriculture. Formulation of Article 15 paragraphs (1) Presidential Regulation No. 65 of 2006 indicates that the existence of a Land Price Appraisal Team is very much determined by the Land Procurement Committee, so that the objectivity of the assessment is doubtful. Besides that, the provisions of the authority of the Land Appraisal Institutions /

Teams which are limited to the valuation of land prices, while the value of the land is under the authority of the Regional Government. of the Agriculture Service agriculture. The regional government equipment in determining the value of land and plants has an impact on the low value of land produced by the Land Acquisition Committee. This causes the holders of land rights tend to not get proper compensation, even if the company is not active. In contrast to these provisions, the involvement of independent and professional Land Appraisers in assessing prices is carried out in full, which includes: land; ground and underground space; b. building; c. plants; d. objects related to land; and / or. other losses that can be assessed, namely non-physical losses that can be f. equal to the value of money, for example due to loss of business employment, costs of transferring places, costs of transferring professions, and the value of residual property.

Based on Decision number: 192 / Pdt.G / 2016 / PN.Arm The Airmadidi District Court that tried civil cases at the first level has made the following decisions in the case between: Onesimus Kalaskan, Agustien Umboh, S.Pd, S.Th, Maryam Olyvia Kalesaran, SE, Josep Dengah, Fredrik Runtuwene with opponents of the Land Acquisition Appraisal Team for the Construction of the Manado-Bitung Toll Road by KJPP SIH WIRYADI and the Partners who subsequently became the objection of the Chairperson of Land Acquisition for the Manado-Bitung Toll Road to the Ministry of Agrarian Affairs and Tata Space / National Land Agency of the Republic of Indonesia, Regional Office of North Sulawesi Province. Request for Objection II; Land Procurement Commitment Officer Construction of the Manado-Bitung Toll Road, at the XI National Road Implementation Center, North Minahasa Regency, North Sulawesi Province.

Based on the examination and research of the evidence documents and hearing the testimony of the witnesses from both sides of the panel of judges considering that the intent and purpose of the objections of the Petitioners were registered at the Registrar's Office of the Airmadidi District Court on 14 December 2016 under the case register Number 192 / Pdt.G / 2016 / PN.Arm.

The interpretation of the assessment team in determining and estimating the land object of the Plaintiff's dispute was felt to not fulfill the principle of justice. The nominative list given by the Defendant / Respondent to the Plaintiff / Petitioner as the land owner is not accountable and is not based on the principle of transparency. Issuance of all documents regarding compensation for land for the construction of the Manado-Bitung Toll Road relating to the object of the dispute issued by Defendant I / Respondent and II is Illegal, Unbound and Canceled For Law.

The Total Amount of Land Compensation Value, Buildings and Plants, which is requested by the Claimant's Objection based on the Value of the Comparative Data, Land Price of Rp. 350,000.- Per meter that was paid on December 4, 2014 if Formulated To Current Value using the Reference Interest Rate The Central

Bank of the Republic of Indonesia "BI RATE" obtained the Current Value of Rp. 402,500. - Per meter.

Analysis of the case that the respondent carried out the process and mechanism of land acquisition in the context of the construction of the Manado-Bitung Toll Road had been carried out in accordance with the provisions of the applicable legislation, namely as stipulated in Law No. 2 of 2012 concerning Land Procurement for Public Interest jo. Presidential Regulation No. 71 of 2012 concerning the Implementation of Land Procurement for Development for Public Interest Jo. Presidential Regulation No. 40 of 2014 concerning Amendment to Presidential Regulation Number 71 of 2012 concerning the implementation of Land Procurement for Development for Public Interest Jo. Presidential Regulation No. 99 of 2014 concerning the Second Amendment to Presidential Regulation No. 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest jo. Head of BPN Regulation No. 5 of 2012 concerning Land Acquisition Technical Guidelines jo. Minister of Agrarian and Spatial Planning / Head of BPN Regulation No. 6 of 2015 concerning Amendments to the Regulation of the Head of BPN No. 5 of 2012 concerning Land Acquisition Technical Guidelines jo. Minister of Agrarian and Spatial Planning / Head of BPN Regulation No. 22 of 2015 concerning the Second Amendment to the Head of BPN Regulation No. 5 of 2012 concerning Technical Guidelines for Land Acquisition.

The process of assessing compensation is appropriate as mandated by the applicable laws and regulations, namely starting with the procurement of Appraisers, then the appraisal of the Appraiser by the Chairperson of the Land Procurement Committee and then the appraiser of compensation by the Appraiser and compensation forms. Act against the law.

Considering the land acquisition for the Manado-Bitung RoadTol Development is a national strategic project as referred to in Presidential Regulation No. 3 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects, so that the Toll Road Infrastructure Development Project to place collateral seizures on the object of dispute by the Plaintiff of Objection as intended must be excluded.

Land Acquisition of the Manado Bitung Toll Road, Commitment Making Officer or Manado Bitung Toll Road Procurement Procurement has acted in accordance with the applicable legislation; regarding the authority of PPK in the stages of implementation of toll road land acquisition in accordance with the principles of feasibility and sense of justice as stated in Law no. 2 of 2012 concerning Procurement of Land for Development in the Public Interest and Presidential Regulation no. 71 of 2012 concerning the Implementation of Land Procurement for Development in the public interest.

As for carrying out the Implementation of Land Procurement for Development in the public interest, the Commitment Making Officer always provides explanations for every question from the land owner in persuasion. It is wrong to assume that PPK, in this case the Respondent II must make a payment with the same compensation value for adjacent and borderless fields without basis. Determination of value from the Chairperson of Land Procurement Implementation based on the Appraisal Assessment.

Determination of the compensation value is very clearly regulated, the determination of the amount of compensation is carried out by the Chairperson of Land Procurement based on the assessment of Public Appraisal or Appraisal services (Article 63 of Presidential Decree 71 of 2012), and not on unilateral value determination from the Chairperson of Internal Land Procurement. this is the Head of the North Sulawesi Province BPN Regional Office as the Commitment Making Officer (PPK) for Procurement of Land in JalanTol Manado Bitung.

The General Provisions of Law No. 2 of 2012 Article 1 number 11 and Perpres No. 71 of 2012 Article 1 point 11, have been regulated regarding Land Appraisers, hereinafter referred to as appraisers, are individuals who conduct independent and professional assessments that have obtained practice permit Appraisal from the Minister of Finance and has been licensed by the BPN to calculate the value and / price of the object of land acquisition.

In this case the stages of the implementation of the Procurement of Land for the Manado Bitung Toll Road have been carried out in accordance with the law, and declared valid, and binding on the law. In principle, the Land Procurement Officer or PPK Commitment Assessment Team has carried out its duties and authorities accordingly according to the authority limits stipulated in the legislation, stating that they are valid, the stages of Land Acquisition Implementation along with published data for the Acceleration of Development of National Strategic Projects for public interest.

Boedi Harsono stated that the release of land rights does not mean that land rights move from holders of land rights to other parties who provide compensation, but the rights to the land are removed and returned to state land or land directly controlled by the state. The release of land rights is one of the factors causing the abolition of land rights and not the transfer of land rights.

The release of land rights is the abolition of land rights and not the transfer of land rights. With the release of land rights, land rights result in land rights being abolished and land rights returning to state land or land that is controlled by land that provides compensation to holders of land rights as entitled parties. The legal consequences of the release of land rights are the right to land to be abolished and the right to land back to state

land or land directly controlled by the state directly by the state. With the release of land rights it does not result in the right to land being transferred to the agency that needs it.

Revocation of land rights and land acquisition for public interest is a factor that causes the abolition of land rights and results in land rights being returned to state land or land directly controlled by the state. The abolition of land rights due to revocation of land rights through the issuance of a Decree of the President of the Republic of Indonesia, while the abolition of land rights due to land acquisition for public interest through the release of land rights

The principle of demonstration plus jurisprudence, protection is given to the actual rights holders, then with this principle, there is always the possibility of claiming the owner of the person who feels as the actual election. Regardless of the possibility that the general list is not protected by law, this means that there is no evidence power. This means that the person is registered as the right holder is not proven that the person is the legal right holder. So the government does not guarantee the truth of the contents of the general list of rights and notes also stated in the law. Pancasila, the source of all sources of law, is the parent material that determines or inspires the contents of legal regulations. The Pancasila can be likened to a spirit that fills values and moves the national legal system. Pancasila as a source of material law, so determines the contents of the agrarian legal system that applies in Indonesia. Based on institutional theory with regard to the Institution of Appraisal Team, here (institutional) or legal structure emphasizes the establishment or carry out of activities of land valuation and legal institutions emphasizing the number of values and norms that are used as guidelines for implementing an Assessment Team so that the goal can be achieved. Institutions are identical to organizations or institutions to achieve certain goals, that are formal and informal organizations that regulate the behavior and actions of the community both in their daily activities and efforts to achieve certain goals. So, who is going to carry out the acquisition of the land acquisition sector as a hardware aspect, while talking about legal institutions in the Land Acquisition Law, what will it look for? the values and norms set forth in the Land Acquisition Law are to regulate what is permissible and what should not be done to support the implementation of the Land aspect of the software (software).

Here the Assessment Team must involve community participation through institutions intended to in addition to balancing the government's role, along with the emergence of the concept of civil society and the principles of good governance, in Indonesia in the context of efforts to realize share of power and share of risk due to the inability of the state (especially the budget) to finance all the needs of the people. The impact is that community participation and empowerment is one solution.

The concept of civil society and good governance states that there are three pillars that can support the democratization process of a country namely civil society, government and the private sector. Synergic relations between the community, government and the private sector are an important part of good governance. In the context of good governance, the government is positioned as a facilitator or catalyst, so that land acquisition for development is the responsibility and common interest of all components of the country, including the private sector and the community. The ideal form of relationship between the three is a partnership between stakeholders.

In terms of public administration, involving community participation is often associated with democratic issues. This paradigm is often referred to as democratic government which prioritizes participation in public administration. Society is not just a customer but also an owner. Citizens are positioned as owners of government (owners of government) and are able to act together to achieve something better. Public interest is no longer seen as an aggregation of personal interests, but as a result of dialogue and public involvement in seeking shared values and common interests. Osborn and Gaebler expressed it when incorporating two principles regarding Reinventing government, namely the principle of community owned government: empowering rather than serving, which emphasized the importance of community participation in public administration and decentralized government principles: from hierarchy to participation and teamwork, which emphasized the importance of participatory management which allows citizen participation in the administration of public administration. While Cheryl Simrell King and Camilla Stivers said that the term government is democratic public administration that involves active citizenship and active administration. The essence of Government is Us emphasizes that democratic public administration involves active citizenship and active administration. Active citizenship is that the government does not only increase administrative power but also strengthen collaboration with citizens. Public administrators should share power with the community and reduce control of the community and increase trust in the community through collaborative governance with the community. This community government is an integrative participation between active communities and active administrators to meet common needs, goals and objectives. therefore the involvement of community participation, empowerment and partnership between stakeholders is something that should not be ignored.

In connection with land acquisition, the issue is almost the same as land consolidation, where there is a lack of community participation (landowners), the private sector, and local government. Active participation is an important prerequisite in the implementation of consolidation. The implementation of land consolidation is not possible to be carried out without the participation of the community, the private sector, and the government.

If the public interest requires the taking of land rights, the holders of land rights or the release of land rights by providing appropriate compensation through the revocation of land rights.

Revocation of land rights is one of the factors that causes the abolition of land rights and results in land rights being returned to state land or land directly controlled by the state.

Maria SW Sumardjono stated that in general there are two ways to express the doctrine of public interest, namely: first, general guidelines, which generally state that land acquisition is based on public interest reasons. Terms that are often used interchangeably to express the general meaning such as public or social, general, common, collective, while for the term interest or purpose is often replaced with the terms need, necessity, interest, function, utility, or uses; secondly, the mention of public interest in a list of activities that clearly identifies its objectives: schools, roads, government buildings, etc., which are deemed beneficial to the public by legislation. All activities outside those listed in the list cannot be used as reasons for land acquisition.

Those who are entitled to receive compensation in the acquisition of land for the public interest are: holders of land rights; Management Rights holders; nadzir for waqf land; owner of customary land; legal community; party who controls state land in good faith; holder of land tenure; and owners of buildings, plants or other objects related to land.

Ari S. Hutagalung stated that the release of rights was taken if the party intending to acquire and control the land with the status of Ownership Rights or ex-Customary Ownership Rights, but did not fulfill the requirements as the subject holder of the land rights through direct transfer of rights / rights.

If land is needed by an agency that requires land ownership, while agencies requiring land are not the subject of ownership rights, then the way of acquiring land through the transfer of land rights in the form of buying and selling cannot be done materially, agencies requiring land do not meet the requirements as a land buyer. Because the method of acquiring land through the transfer of land rights in the form of buying and selling cannot be carried out, then the way for land acquisition that can be taken by agencies that require land in public interest is through the release of land rights by holders of land rights with compensation worthy.

State interference with land rights becomes greater with reasons for the public interest even though based on data in the field there are still imbalances in the land acquisition process.

## **Closing**

### **A. Conclusion**

The law here is aligned with the state in relation to the state budget that has been budgeted so that the final decision of the value objection is a final decision that strengthens the basis of the assessment of the assessment team.

Based on the results of the study, the assessment team as a legal institution has worked according to the rules, but from the community has not felt justice for their welfare based on the reason the assessment team did not refer to market prices, assessment team data as a non-transparent measure the Supreme Court will not be granted. The lack of community participation in the institutional assessment team causes the community to feel there is no justice.

State interference with land rights becomes greater with reasons for the public interest even though based on data in the field there are still imbalances in the land acquisition process. Among other things, objection to the value proposed due to various sociological, psychological and economic reasons, this in reality will not be granted until the final stage in the court, in the end the people who want justice will be the highest Justice is the highest injustice. Further problems regarding land acquisition for customary land for public purposes.

### **B. Suggestions**

Land acquisition requires a smart assessment to get the price felt by the community. The assessment team has access to provide justice to the community. With valuation based on prices in the musyawarakan that can bring prosperity, for this reason the assessment team should adjust objects that are judged based on the conditions at the time of procurement. The involvement of Community Participation must be used for the welfare of the people.

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