

MODEL OF PREVENTION AND MANAGEMENT OF CONFLICTS AFFECTED COMMUNITIES DUE TO LAND ACQUISITION FOR THE DEVELOPMENT OF PUBLIC FACILITIES

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ABSTRACT

This study aims to examine and to analyze the impact of land acquisition for development in the public facilities, and to formulate a model for preventing and overcoming conflicts for affected community by land acquisition for the public facilities. The paradigm in this study is constructivism, in this study the law is seen as a plural and diverse reality. Law lies in the mental construction of everyone who has different individual and social experiences including experiences between researchers and informants, so that the law is diverse and plural. This type of research is qualitative research. This research uses a social legal research approach. The type of data used is primary and secondary data. Data analysis was done through descriptive analysis. The results of the study found that the impact of land acquisition for development in the public facilities on the affected community was the psychological impact, economic impact, and the impact of mass displacement of the affected community, social, cultural and security impacts. The model for preventing and overcoming conflicts for affected community by land acquisition for the public facilities, namely through partnerships between ministries and institutions, and protecting the lives and welfare of those displaced; reducing and overcoming potential economic losses suffered by the affected groups and the regional and regional economies; Help develop the economic, social and cultural potential of the affected community groups.

Keywords: Public facilities; Affected Communities, Land Acquisition;

INTRODUCTION

Indonesia is a state of law, this is explicitly mandated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This fact gives birth to the consequence that every field of people's life in this country must be based on laws made clearly by the state. this. This includes ownership.

This can be observed in Article 28G paragraph (1) which states that: Everyone has the right to personal protection, family, honor, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear of to do or not to do something which is a human right.

In its development, there are several land rights which are regulated in full in Article 4, Article 16, and Article 53 of Law Number 5 of 1960 Regarding Basic Agrarian Provisions. Article 4 of Law Number 5 of 1960 Regarding Basic Agrarian Provisions clearly states that:

- (1) On the basis of the right of control from the State as referred to in Article 2, it is determined that there are various types of rights to the surface of the earth, called land, which can be given to and owned by people, either alone or together with other people. other and legal entities.
- (2) The rights to land as referred to in paragraph (1) of this article authorize the use of the land in question, as well as the body of the earth and water and the space above it, only necessary for interests directly related to the use of the land within the limits of -limits according to this Act and other higher legal regulations.

Then Article 16 of Law Number 5 of 1960 concerning Basic Agrarian Provisions states that: Property rights, Cultivation rights, Building use rights, Use rights, Lease rights, Land clearing rights, Forest product collection rights, and other rights. which are not included in the rights mentioned above which will be stipulated by law as well as rights of a temporary nature as mentioned in article 53.

Then Article 53 of Law Number 5 of 1960 Regarding Basic Agrarian Provisions states that:

- (1) The rights of a temporary nature as referred to in Article 16 paragraph (1) letter h, namely lien rights, profit-sharing business rights, boarding rights and agricultural land rental rights are regulated to limit their characteristics which are contrary to the law. These rights and these rights are sought to be abolished in a short period of time.
- (2) The provisions in article 52 paragraphs (2) and (3) shall apply to the regulations referred to in paragraph (1) of this article.

Based on the various explanations above, it is clear that the politics of agrarian law in Indonesia has clearly regulated land rights so that land use in terms of socio-cultural, economic, and national development interests will be easily implemented in this country. However, in its development, not all land rights are able to create harmony between the industrial world and the world of natural use in the context of human ecological justice today.

According to the Agrarian Law Reform Consortium or KPA, throughout 2019 there were 279 cases of agrarian conflicts in various parts of Indonesia. The total area of the conflict area reaches 734 thousand hectares, and the affected communities reach

around 109 thousand heads of families (KK).¹ Furthermore, KPA noted that at least nine evictions and criminalizations occurred during the period of March 2, 2020.²

Then from the various cases above, most of the cases put aside the ecological aspect and look more at the industrial needs of natural resources and energy resources. In other words, often land acquisition for urban development and industrialization does not involve the aspirations of the people, but prioritizes the interests of the government and investors. This can be seen in case number 96/PUU-XIV/2016 at the Constitutional Court, where in the development of urban areas in Papanngo area, Jakarta, there have been evictions which even though the evicted parties violated Law Number 51 of 1960 concerning the Prohibition of Land Use Without a Permit. However, unilateral eviction without considering the losses of the evicted party has violated constitutional rights in the form of the right to receive humane treatment and the right to obtain a decent place to live. However, the decision of the case with Number 96/PUU-XIV/2016 at the Constitutional Court rejected the petitioners' request to obtain constitutional justice for the violation of the law due to the eviction in Jakarta.³

Then apart from the case of land acquisition for the benefit of the state and industrialization, the issue of agrarian conflicts is also seen in the case of not extending HGB (Building Rights) on government land which has largely neglected the right to obtain proper housing for HGB holders. This can be seen in the land dispute case with Case Number 33/G.PLW/2008/PTUN.BDG. The case rejected the application from the HGB owner which was not extended by the BPN due to the transfer of land use functions. This clearly shows that the HGB (Building Rights) holder can have his rights revoked at any time by the government by setting aside the HGB use permit as regulated in Article 35 of the Basic Land Law Number 5 of 1960.⁴ Where in this provision it is clear that the HGB permit is for 30 years and can be extended for 20 years. year. This clearly contradicts Article 28D paragraph (1), Article 28H paragraph (1), Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia and also contradicts the First, Second, and Fifth Precepts of Pancasila.

This situation is different from the transfer system of land rights in America which has involved the community from the start. The revocation of land rights in America is stated explicitly in the Fifth Amendment Bill of Rights, in the Fifth Amendment Bill of Rights it is stated that "nor shall be deprived of life, liberty, or property, without just compensation", which means that neither life, independence, and ownership (of a person) can be taken without a fair legal provision, likewise no private property is taken for public use without an appropriate compensation. Initially, the Fifth Amendment Bill of Rights only applied to the federal government, not the state government. Basically, the process of revocation of land rights through the Fifth Amendment Bill of Rights is based on the eminent domain principle or absolute authority to control the land. Through this principle, the government can revoke community land rights through a fair procedure. This is different from the zoning system where the zoning agency will carry out interpretations and considerations related to the delivery of compensation for the release of land for development in the public facilities. Therefore, this is able to prevent agrarian conflicts from the start.⁵

In Japan, plans for land development in urban areas have been carried out ten years before the acquisition of land for development in the public facilities.⁶ The new city area planned for ten years consists of urban areas who choose to live in urban areas and other areas that function as areas for controlling the growth of urbanites who move to the new city.⁷ This includes land that is used for public facilities such as toll roads, so that it is rare for residential land to be converted into land that is built for public facilities. It is also able to prevent agrarian conflicts.

RESEARCH METHOD

In this study, the discussion is only limited to the discipline inquiry paradigm, which is a basic belief that is used by various groups to search for the truth of reality into a particular science or discipline.⁸ The paradigm in this study is constructivism, in this study the law is seen as a plural and diverse reality.⁹ Law lies in the mental construction of everyone who has different individual and social experiences including experiences between researchers and informants, so that the law is diverse and plural. This type of

¹ https://kbr.id/nasional/01-2020/kpa_korban_konflik_lahan_meningkat_sepanjang_2019/101852.html, accessed on 12 May 2020.

² <https://national.tempo.co/read/1330772/kpa-catat-9-konflik-agraria-terjadi-selama-masa-pandemi-covid-19>, accessed on 12 May 2020.

³ https://mkri.id/public/content/persidangan/ujungan/96_PUU-XIV_2016.pdf, Accessed May 12, 2020.

⁴ file:///C:/Users/Userwin10/Downloads/ujungan_33_g.plw_2008_ptun-bdg_20201002.pdf, accessed on 12 May 2020.

⁵ Adrian Sutedi, *Implementasi Prinsip Kpentingan Umum Dalam Pengadaan Tanah Untuk Pembangunan*, Sinar Grafika, Jakarta, 2008., p. 113-115.

⁶ Basically, equitable land acquisition is very much needed in urban areas, this is due to the increasingly limited existing urban spatial planning. See: Mirda Aprilia Aeni Mafiroh and Umar Ma'Ruf, *Implementation of Compensation in Land Procurement for the Construction of the East Flood Canal in Terboyo Kulon Village, Genuk District, Semarang City*, Prociding of the UNISSULA 2 Student Scientific Conference, Semarang, October 18 2019, p. 455..

⁷ World Bank, *Case Study Land Readjustment In Japan*, Downloaded via worldbank.org on 21 April 2020.

⁸ Agus Salim, *Teori dan Paradigma Penelitian Sosial, Dari Denzin Guba dan Penerapannya*, (Yogyakarta:Tiara wacana Yogya,2001), page 33-34.

⁹ Erlyn Indarti, *Orasi Ilmiah: Menjadi Manusia Merdeka: Menggagas Paradigma Baru Pendidikan Hukum untuk Membangun Masyarakat Madani*, Sumber Guba dan Lincoln, page. 24

research is qualitative research¹⁰. This research uses a social legal research approach.¹¹ The type of data used is primary and secondary data. Data analysis was done through descriptive analysis.¹²

DISCUSSION

Agrarian Conflict in Indonesia

According to Hasim Purba in his journal writings, in general, he clarifies the typology of land disputes into three forms, namely:¹³

1. Horizontal Disputes, namely: between the community and other communities.
2. Vertical Disputes, namely: between the community and the government, and
3. Horizontal – Vertical disputes, namely: between the community and entrepreneurs (investors) who are backed up by the government (unofficial officials) and thugs.

Meanwhile, according to BPN RI, the typology of land conflicts can be grouped into ten parts, namely:¹⁴

1. Land tenure without rights, namely differences in perceptions, values or opinions, interests regarding the status of control over certain lands that are not or have not been attached to rights (state land) or to which rights have been attached by certain parties.
2. Boundary disputes, namely differences of opinion, value of interest regarding the location, boundaries and area of land parcels recognized by one party that have been determined by the National Land Agency of the Republic of Indonesia and which are still in the process of determining boundaries.
3. Inheritance disputes, namely differences in perceptions, values or opinions, interests regarding the status of control over certain land originating from inheritance.
4. Selling multiple times, namely differences in perceptions, values or opinions, interests regarding the status of control over certain lands obtained from buying and selling to more than 1 (one) person.
5. Multiple certificates, namely differences in perceptions, values or opinions, interests regarding a particular plot of land that has more than 1 (one) land title certificate. And replacement certificates, namely differences in perceptions, values or opinions, interests regarding a certain plot of land for which a certificate of replacement land rights has been issued.
6. False Sale and Purchase Deed, namely differences in perceptions, values or opinions, interests regarding a certain plot of land due to a fake Sale and Purchase Deed.
7. Wrong designation of boundaries, namely differences of opinion, value of interest regarding the location, boundaries and area of land parcels recognized by one party which has been determined by the National Land Agency of the Republic of Indonesia based on the wrong boundary designation. And overlapping, namely differences of opinion, value of interest regarding the location, boundaries and area of land parcels recognized by a certain party due to overlapping boundaries of land ownership.
8. Court decisions, namely differences in perceptions, values or opinions, interests regarding decisions of judicial bodies relating to the subject or object of land rights or regarding procedures for the issuance of certain land rights.

The Covid-19 pandemic throughout 2020 was not only a health crisis, but also gave birth to a multidimensional crisis (especially the economy) whose impact was felt by the wider community on a local, national and even global scale. The implementation of social restriction regulations or restrictions on human mobility and activities in the long term has paralyzed economic centers. Many factories, industrial estates, markets and business centers have stopped operating. Millions of manufacturing workers experienced layoffs (PHK) during 2020, not to mention workers in the tourism, hospitality, aviation and so on. The second wave of layoffs in 2021 is predicted to still occur because the Indonesian government has not succeeded in controlling the Covid outbreak, exacerbated by the emergence of a new mutation of the Corona Virus. At the beginning of 2020, the economy was on the verge of a recession due to minus growth. Even in the second quarter, the Ministry of Finance recorded Indonesia's economic growth of 5.32 percent due to the PSBB regulation. However, the economic crisis situation and the PSBB have not paralyzed the repressive practices of land grabbing and land acquisition by giant business entities. As a result, the eruption of agrarian conflicts in the field continued during the pandemic. Throughout this year, KPA noted that there had been 241 eruptions of agrarian conflicts in 359 villages/villages, involving 135,337 families on a land area of 624,272,711 hectares. Compared to 2019, there were 279 conflicts, a decrease of only around 14% this year. This reduction in the number of conflicts is not significant, considering that our country is in the middle of a drastic decline in economic growth. For comparison, in the April-September 2019 period, our economy recorded growth of 5.01 percent, and agrarian conflict eruptions in that period recorded 133 conflict eruptions. Meanwhile, in the same period in 2020, in the midst of Indonesia's economic growth which reached minus 4.4%, the eruption of

¹⁰ Anis Mashdurohatun, Gunarto & Adhi Budi Susilo, The Transfer Of Intellectual Property Rights As Object Of Fiduciary Guarantee, Jurnal Akta. Volume 9 No. 3, September 2022.

¹¹ *Loc.cit*

¹² Anis Mashdurohatun, Gunarto & Oktavianto Setyo Nugroho Concept Of Appraisal Institutions In Assessing The Valuation Of Intangible Assets On Small Medium Enterprises Intellectual Property As Object Of Credit Guarantee To Improve Community's Creative Economy, JPH: Jurnal Pembaharuan Hukum, Volume 8, Number 3, December 2021.

¹³Hasim Purba, "Reformasi Agraria dan Tanah untuk Rakyat : Sengketa Petani VS Perkebunan" Jurnal Law Review, V. X No 2. UPH, 2010. Hal 167. Bandingkan dengan Widiyanto, "Potret Konflik Agraria di Indonesia" Bhumi, Jurnal Ilmiah Pertanahan PPPM – STPN, Nomor 37 Tahun 12, April 2013. page 23-34..

¹⁴ <http://www.bpn.go.id/Program-Prioritas/Handling-Kasus-Pertanahan>, accessed on 12 December 2021.

agrarian conflicts reached 138 incidents. It turned out that, even though the crisis hit and the PSBB took place, agrarian-based investment and business activities continued to work massively but remained repressive.¹⁵

As another comparison, when the global economic crisis occurred in 2008, KPA's agrarian conflict data showed a decrease in the number of eruptions of agrarian conflicts. In 2008, KPA recorded "only" 24 eruptions of agrarian conflicts that occurred during the year. However, the current situation is far different, with 241 eruptions of agrarian conflicts that occurred in 2020 in the midst of the national economy being in recession. Logically, the economic crisis that was born as a result of the Covid-19 crisis will be able to stop the eruption of agrarian conflicts in the field. This is because economic growth that is minus assumptions will affect many investment plans and expansion of domestic and foreign business groups. There was an anomaly, a pandemic and minus economic growth turned out to be unable to stop let alone stop the pace of corporate expansion to seize people's lands. For the people, PSBB means complying with the government's call for restraint and creating a conducive situation by drastically limiting mobility and activities outside the home. Meanwhile, for large agrarian-based corporate groups, PSBB is a momentum for large-scale agrarian resource deprivation. It is evident that agrarian conflicts actually spiked when the pandemic crisis was peaking and the PSBB was strictly enforced. There is another anomaly, comparing the crisis in 2020 with the crisis that occurred in 1998. At that time, it was farmers and the people who rose up to reclaim lands that had been confiscated by the state and corporations. In contrast to 2020, when the crisis hit, companies still succeeded in carrying out acquisitions and land grabbing. The reason is that PSBB regulations are interpreted and implemented differently by the people and by large business entities. In 2020, agrarian disputes experienced a sharp spike:¹⁶

Agrarian Conflict 2020		
Frequency of Conflict	Area (hectare)	Number of households
241	624.273	135.332

Throughout 2020, 241 agrarian conflict eruptions occurred in all sectors monitored by KPA. Conflicts due to plantations were 122 conflict eruptions, forestry (41), infrastructure development (30), property (20), mining (12), military facilities (11), coastal and small islands (3) and agribusiness (2). The year 2020 marks again that the plantation system in Indonesia contains many acute and systematic structural problems. The indicator is that the plantation sector as the cause of conflict has always dominated the ugly face of agrarian affairs in the country from year to year. It even increased dramatically in 2020. After the plantation sector, the forestry sector ranks second in the number of agrarian conflicts. These two 'classic' sectors have reaped the most eruptions of agrarian conflicts.¹⁷

In the plantation sector, conflict eruptions were dominated by oil palm-based plantations as many as 101 conflict eruptions. Then followed by clove, nutmeg, sugar cane, tea coffee, rubber and other garden commodities. In the forestry sector, eruptions of agrarian conflicts throughout 2020 occurred due to the activities of 34 conflict eruptions of Industrial Plantation Forest (HTI) companies, 6 conflicting protected forests, and 1 conflicting HPH company. Meanwhile, there were 30 eruptions of agrarian conflicts due to infrastructure development projects in 2020, meaning a significant decrease, from 83 incidents in 2019. This year, conflicts are dominated by various National Strategic Projects (PSN) and National Tourism Strategic Areas (KSPN), namely as many as 17 conflict eruptions. Starting from the construction of toll roads, airports, oil refineries, ports, to the construction of premium tourism supporting infrastructure such as Lake Toba, Labuan Bajo and Mandalika. The rest is due to the construction of stations, dams and sports arenas (GOR). In the property business sector, the eruption of agrarian conflicts occurred due to claims of government assets (8), construction of residential areas (6), real estate (2), industrial estates (2), resorts (1), and offices (1). The island of Sumatra dominates the incidence of agrarian conflicts in 2020. The five major agrarian conflict eruptions occurred in Riau with 29 conflict eruptions, Jambi (21), North Sumatra (18), South Sumatra (17) and East Nusa Tenggara with 16 conflict eruptions. In Riau Province, agrarian conflicts were dominated by oil palm plantations as many as 21 conflict eruptions, HTI as many as 6 conflicts and conflicts due to the construction of power plants as many as 2 incidents. Several companies causing the conflict include PT. Arara Abadi, PT. Medco Ratch Power Riau (MRPR), PT. Riau Andalan Pulp Paper (RAPP) as well as state companies such as PT. PLN and PTPN V.¹⁸ Meanwhile, in Jambi Province, 11 of the 21 conflict eruptions were dominated by plantation conflicts, and 9 agrarian conflicts in forest areas (HTI). Some of the companies involved include PT. Wira Karya Sakti (Sinarmas Group), PT. Erasakti Wira Forestama, PT. Indonusa and PT. Agronusa Alam Sejahtera.¹⁹ North Sumatra consists of agrarian conflicts in the plantation sector as many as 8 conflict eruptions, HTI (4), infrastructure (3), property (1), food estate (1) and military facilities 1. The parties involved include the Lake Toba Tourism Authority (BPODT), North Sumatra Provincial Government, PTPN II, Indonesian Air Force. Meanwhile, from the private sector, several names of companies such as PT. Tolan Tiga Indonesia, PT. Cisadane Sawit Raya and PT. Mega Mulya Mas. Furthermore, in South Sumatra Province, of the 17 conflict eruptions that occurred this year, 11 of them occurred in plantation areas, while the remaining 6 incidents occurred in HTI areas. Some of the companies that caused the conflict include PT. Artha Prigel who killed two Lahat farmers last March, PT. Lonsum and PTPN XIV. In East Nusa Tenggara, conflict eruptions occurred in almost all sectors including conflict property 4, plantations (3), infrastructure (3), forestry (3), mining (2) and agribusiness (1). The business entities that caused the conflict include the Labuan Bajo Tourism Authority (BOPLP), the NTT Provincial Government, PT. Waskita Karya, and PT. Rerolara Hokeng If the most conflicts occur in Riau Province, then the largest conflict area occurs in Papua Province with a total affected area of 283,800

¹⁵Konsorsium Pembaruan Agraria, *Catatan Akhir Tahun 2020 Konsorsium Pembaruan Agraria Pandemi Covid-19 dan Perampasan Tanah Berskala Besar Edisi Peluncuran I: Laporan Konflik Agraria di Masa Pandemi dan Krisis Ekonomi*, Konsorsium Pembaruan Agraria, Jakarta, 2021.

¹⁶ *Loc. cit.*

¹⁷ *Loc. cit.*

¹⁸ *Loc. cit.*

¹⁹ *Loc. cit.*

hectares. The second largest is in Bangka Belitung with an area of 66,534.2 hectares, Riau with an area of 60,339,218 hectares, West Sumatra with an area of 37,350 hectares and North Sumatra with an area of 23,969.61 hectares.²⁰

Then there is also the issue of agrarian conflict on the issue of the administrative boundaries of the village of Gendang Timburu, Kec. Durian River With Magalau Hulu Village, Kec. West Hammer. In this problem, PT. ENERGY RESOURCES (SDE) wanted to establish a mining business, then the people of Magalau Hulu Village, West Kelumpang District visited PT. ENERGY RESOURCES (SDE) to ask for compensation for the area to be used by PT. ENERGY RESOURCES (SDE) for mining business. In its development PT. ENERGY RESOURCES (SDE) handed over compensation money to the people of Magalau Hulu Village, Kelumpang Barat Subdistrict in the amount of Rp. 30,000,000.00 per hectare which is known together with the area of land that is considered to belong to the people of Magalau Hulu Village, Kelumpang Barat District which is used by PT. ENERGY RESOURCES (SDE) of 80Ha. In its development, the area that has been compensated by PT. ENERGY RESOURCES (SDE) were visited by the people of the village of Gendang Timburu, then the community marked the boundary and assumed that the area occupied by PT. ENERGY RESOURCES (SDE) are not owned by the Magalau Hulu Village Community, West Kelumpang District. This situation is due to the absence of a clear boundary between the areas of Gendang Timburu Village and Magalau Hulu Village.²¹

Impact of Procurement of Land for Development for Public facilities

Psychologically, people do not want to live separately between communities that have lived together for a very long time. The acquisition of land for development for the public facilities results in the people of an area having to move and live in a new environment with new communities where family values like the community community must change to a community life or urban society where the existing values are mostly individual values due to not being know him in the community.

Meanwhile, the lack of clarity on the time limit for compensation for compensation in land acquisition for development in the public facilities also has a negative psychological impact, this is because people who feel that their land has been affected by compensation are mostly emotionally feeling that the lack of certainty in paying compensation is unfair. .

The impact of the construction of the toll road in Sidogemah Village, where the community has not fully received compensation, must bear the noise and dust pollution, demolition of several buildings and the construction of several facilities and infrastructure from the contractor. This is clearly psychologically resulting in feelings of distrust of the government because they feel that the government has only considered the interests of the state without looking at the public and private interests of the community for land.²²

In addition to the psychological impact, the existence of land acquisition in land acquisition for development in the public facilities also has an impact on the economy of the affected community. With the change of residence due to the acquisition of land, the community, who are all able to have an established business in one place, must look for a new source of income in a new place, which does not mean that their business will be able to develop as in their original place, which is affected by land acquisition due to development for public facilities.

The existence of mass displacement of affected communities from land acquisition due to development for the public facilities in its development will result in massive community displacement, this results in the opening of new lands for community settlements. This situation has resulted in the problem of expanding settlements which may lead to the problem of disorientation of the zoning of the allotment of the area in spatial planning in urban and rural areas. This can threaten the availability of green space and sustainable food areas. This can be seen in the Manggian area, Genuk, Semarang City. Manggian is an area that has a large enough as a green space, but with the land acquisition in Sidogemah Village, a large number of people move and live and build housing in the Manggian area. It is feared that this will reduce the catchment area in the Karang Roto area.²³

Based on the discussion above, it is clear that the issue of psychological, social, cultural, and security impacts as well as the economy of the community shows that the community is sociologically forced to move to other areas, this will result in the implementation of Law No. 2 of 2012 and Presidential Decree No. 158 of 2015 was not able to achieve justice for the affected people.

A Model for Prevention and Management of Community Conflicts Affected by Land Acquisition for Development in the Public facilities

In its development, every major project that makes major changes to the pattern of use of land, water, and other natural resources can have a major impact that can harm the community in terms of empowering economic and ecological resources, as well as the use of public facilities and infrastructure capable of realizing prosperity. and social justice for the entire life of the community in Indonesia.

According to Michael M. Cernea, there are other impacts in terms of land acquisition for development in the public facilities, namely:²⁴

- 1) There is a dispute related to land ownership which in its development often local administrative officials such as the Camat and Lurah often submit land ownership documents that are not in accordance with the reality on the ground, this is the result in the Village area that marginalized communities are often the subject of discrimination by leaders and existing government apparatus;

²⁰ *Loc, cit.*

²¹ IPTU Beno Widiyanto, Personal interview with the West Kelumpang Police Chief, interview conducted on February 12, 2022.

²² Asror, Personal Interview with Sidogemah Village Community, Interview Conducted On February 12, 2020.

²³ Andi, Interview with the Manggian Community, Interview Conducted On April 20, 2021.

²⁴ Michael M. Cernea, *Involuntary Resettlement in Development Projects*, World Bank, Washington DC, 1990, p. 5.

- 2) The loss of public access in utilizing a healthy and proper environment as well as the wealth of Natural Resources in it;
- 3) The decline in environmental quality due to the transfer of land functions due to the procurement of land for development for the public facilities has resulted in the destruction of green areas and sustainable food, this will clearly result in the exclusion of people's access to a healthy life;
- 4) The change of land function into a public facility such as a toll road will have an impact on the area and function of the surrounding land which is a community settlement.

This shows that the law does not exist in a vacuum and is always related to the interests that exist in a dynamic society. This view is in line with the opinion of Talcot Parson.

Parsons stated that in the sociological point of view, society is seen as living in a series of a unified system consisting of parts that are interconnected with each other. Parson's view was developed from the model of the development of organizational systems found in biology where the theory is based on the assumption that all elements must function so that society can carry out its functions properly.²⁵

As a system, the theory places law as one of the sub-systems within a larger social system. In addition to law, there are other sub-systems that have different logics and functions. The sub-systems in question are culture, politics, and economy. Culture discusses with values that are considered noble and noble, and therefore must be maintained. This sub-system functions to maintain ideal patterns in society. The law refers to the rules as the rules of the game. The main function of this sub-system is to coordinate and control all deviations to conform to the rules of the game. Politics is concerned with power and authority. Its task is to utilize power and authority to achieve goals. While the economy refers to the material resources needed to support the system. The task of the economic sub-system is to carry out the adaptation function in the form of the ability to master the means and facilities for system needs.²⁶

The four sub-systems, apart from being a reality inherent in society, are simultaneously challenges that must be faced by each unit of social life. The life and death of a society is determined by the functioning or not of each sub-system according to their respective duties. To ensure that, the law is tasked with managing the harmony and synergistic motion of the other three sub-systems. This is what is called the integration function of the law in Parsons' Theory.²⁷

The configuration scheme for the sub-systems based on Parsons Cybernetics Theory above can be described as follows:²⁸

Chart 1 Configuration of Sub-Systems Based on Parsons' Cybernetic Theory

Sub-Sub System	Primary Functions	Information Flows
Culture	Maintaining Pattern	<p>The diagram illustrates a cyclical flow of information. At the top is 'High Information Level (control)'. An arrow points down and left to 'Hierarchy of factors that Conditioning'. From there, an arrow points down and right to 'High energy level (condition)'. From 'High energy level (condition)', an arrow points up and right to another 'Hierarchy of factors that Conditioning'. Finally, an arrow points up and left back to 'High Information Level (control)'.</p>
Social	Integration	
Political	Pursuit of Goals	
Economy	Adaptation	

²⁵ Bernard Raho, SVD, *Teori Sosiologi Modern*, Prestasi Pustaka, Jakarta, 2007, page.48.

²⁶ Bernard L. Tanya, dkk. *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*, Genta Publishing, Yogyakarta, 2010, page. 152.

²⁷ *Loc.Cit.*

²⁸ Satjipto Rahardjo, *Ilmu Hukum Cetakan Ketujuh 2012*, PT. Citra Aditya Bakti, Bandung, 2012, p. 135.

This situation resulted in regulations related to land acquisition and compensation for development in the public facilities that were not in accordance with the mandate of Pancasila. So that the regulation of land acquisition and compensation for the development of the public facilities must be able to re-realize the Pancasila mandate which is none other than realizing social justice for all Indonesian people in terms of implementing land acquisition and compensation for the development of the public facilities.

- 1) Protecting the life and welfare of the affected community, both in terms of economy, psychology, environment and facilities supporting the interests of worship;
- 2) Provide assistance and direction as well as development to the community to be able to return to their independence in terms of economic, social and cultural potential in new settlements after the displacement of people due to land acquisition for construction in the public facilities; and
- 3) Make a master plan or master plan related to the development of the concept of development, both from the aspect of national development and management of the impact of development as well as budget planning that becomes an integral part of the development master plan.

In line with the view of Michael M. Cernea which states that justice in the implementation of resettlement due to land acquisition in terms of land acquisition for development for the public facilities is through concrete steps which include:²⁹

- 1) Protect the lives and well-being of those displaced;
- 2) Reducing and overcoming potential economic losses suffered by the affected groups and the regional and regional economies;
- 3) Help develop the economic, social and cultural potential of the affected community groups.

With these concrete steps, it is hoped that justice can be realized, especially justice in the context of the Pancasila legal state which mandates the formation of harmonious relations between the people and the state based on harmony, proportional functional relations between state powers, the principle of dispute resolution by deliberation and the judiciary is a the last means and balance between rights and obligations in the regulation of compensation for land acquisition for development in the public facilities.

The implementation of compensation for land acquisition for development in the public facilities is not only based on the interests of the state but also based on the interests of the community consisting of: Religious interests; Educational Interests; Health Interests; Psychological Interests; Economic interest; and the Importance of Ecological Balance and the Environment.

In order to achieve this, it is necessary to create a partnership consisting of the following elements: the Ministry of Agrarian Affairs and Spatial Planning; POLRI; Attorney General's Office; Ministry of Communication and Information Technology; Ministry of Home Affairs; Ministry of Environment and Forestry; Ministry of Public Works and Public Housing; Ministry of Industry; Ministry of National Development Planning/Bappenas; Non-Governmental Organizations and Research Institutes; Mass Media.

This partnership aims to oversee the administration of land ownership and conduct supervision related to land status that has the potential to cause conflict, as well as advocacy, socialization, and education related to the concept of land ownership as well as the concept of social functions of land and the meaning of public facilities in land acquisition. So that agrarian conflicts can be avoided from the start. This partnership institution is also located in land office institutions throughout Indonesia as a forum to prevent the occurrence of Corruption Collusion and Nepotism which can cause damage to the bureaucracy related to land and can potentially lead to agrarian conflicts. For this reason, each element incorporated in it needs to explore and have good experience and knowledge of land law.

In addition to partnership institutions, there is a need for a formulation of criminal law laws which will be able to realize a truly holistic and clear regulation of the land criminal justice system, so that the types of actions and mistakes committed can be easily determined as criminal acts or not considering that currently the field of criminal law is also born from the field of agrarian law. This is the impact of the social dynamics of society which does not only rely on general actions but has led to agrarian actions as a form of fulfilling human needs for land in the current era of disruption. In order to prevent legal summarily in a dynamic social space, the involvement of digital means is very much needed in this regard. Hence, various material and formal legal products related to agrarian conflicts, both on a criminal and civil scale or state administration and bureaucratic administration must already contain regulations regarding digital media as a legal means in realizing social order. The conflict prevention and management system intended is by:

1. Identify and map early, areas that have land with high, medium and low potential for dispute;
2. Collecting data regarding the development of existing land data in the community;
3. Conduct a spatial study regarding the zoning designation of the land area;
4. Conducting legal studies related to the status of land that has the potential to become the object of agrarian conflict;
5. Conducting Focus Group Discussion (FGD) with related community elements;
6. Create a shelter for community aspirations related to land that has the potential to become an object of agrarian conflict;
7. Conduct a study on the aspirations of the community;
8. Conducting FGDs related to the discussion of problem formulations from existing studies;
9. To determine the determination of land area with the status of the right to control the land on it, including land which is classified as customary land;
10. Conducting an assessment of the parties who legally own land that overlaps with land owned by the government, for example the area of customary law communities, as long as it is recognized and can be proven by applicable law;
11. Determine steps to prevent and overcome agrarian conflicts;
12. Establish agrarian dispute management and settlement institutions at the central, provincial, district/city, and village levels;
13. Conducting socialization on the position of land from legal and social studies in the community;
14. Compensation for the parties who have been assessed and determined to be entitled to land compensation;
15. Creating a system of mediation and advocacy for affected communities;

²⁹ Michael M. Carnea, *Involuntary Resettlement in Development Projects*, World Bank, Washington DC, 1990, p. 5-10.

16. Take firm law enforcement actions if needed to reduce agrarian conflicts that have occurred.

CONCLUSION

The impacts of land acquisition for development in the public facilities on affected communities are psychological impacts, economic impacts, and the impact of mass displacement of affected communities, social, cultural and security impacts. The model for preventing and overcoming conflict for affected community by land acquisition for the public facilities is through partnerships between ministries and institutions. the concept of land ownership as well as the concept of the social function of land and the meaning of public facilities in land acquisition. So that agrarian conflicts can be avoided from the start. This partnership institution is also located in land office institutions throughout Indonesia as a forum to prevent the occurrence of Corruption Collusion and Nepotism which can cause damage to the bureaucracy related to land and can potentially lead to agrarian conflicts. For this reason, each element incorporated in it needs to explore and have good experience and knowledge of land law. and Protecting the lives and well-being of those displaced; reducing and overcoming potential economic losses suffered by the affected groups and the economies of the regions and regions; Help develop the economic, social and cultural potential of the affected community groups.

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