



Implementation of land acquisition for development of public interest (analytical study on the construction of bypass road facilities to the Mandalika special economic zone)

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ABSTRACT

Background: This study aims to determine the procedures for implementing land acquisition for constructing the Lombok International Airport ByPass road to the Land Acquisition Area for constructing the Lombok International Airport ByPass road to the Mandalika Special Economic Zone. **Methods:** This study uses empirical legal research with the statutory, conceptual, and sociological approaches. The data types in this study are primary and secondary, while the data sources use library research and field research. Techniques and ways of obtaining data are by conducting interviews and observations. The purpose of this study is to find out the procedures for implementing land acquisition for the construction of the Lombok International Airport ByPass road to the Mandalika Special Economic Zone, and to find out the inhibiting factors in this activity. **Findings:** The procedure for implementing land acquisition for the construction of the Lombok International Airport ByPass road to the Mandalika Special Economic Zone as stipulated in Law Number 11 of 2020 Ciptaker regulates 4 (four) stages of acquisition starting from planning, preparation, implementation, and delivery of results. **Conclusion:** The land acquisition implementation committee has carried out land acquisition procedures following the provisions of the Laws and Regulations. The obstacles in constructing the Lombok International Airport ByPass road to the Mandalika Special Economic Zone include social, cultural, and economic factors. **Novelty/Originality of this Study:** An empirical examination of the land acquisition process for a major infrastructure project, specifically the Bypass Road from Lombok International Airport to the Mandalika Resort Special Economic Zone, employs a multifaceted approach encompassing legislative, conceptual, and sociological perspectives. This study uniquely identifies and analyzes the social, cultural, and economic barriers affecting the land acquisition process, providing insights into community dynamics and compensation issues within the context of Indonesian agrarian law and development.

KEYWORDS: land acquisition; Mandalika Special Economic Zone; public interest.

1. Introduction

Land as a gift from God Almighty is a source of welfare, prosperity and life for humans (Rustan, 2019), therefore land is the only human need for a place to live, so that with the increasing need for land for agriculture, business premises, and housing (Wirzba, 2003). Land is very much needed in development, both development for public and private interests (Pacione, 2013). Currently, development continues to increase while the area of land always remains the same. In carrying out development, especially for public interests, it is often necessary to use land that comes from the community. So that in ancient times

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until now, not a few people or groups of people dare to sacrifice their lives to defend their land.

Land and natural resources have a very special meaning and significance in an agrarian and maritime society like Indonesia (Henley, 2008), namely as a form of existence, socio-cultural roots, main means of production, symbol of existence and socio-economic status. Indonesia's position as an agrarian country makes land something strategic in realizing the prosperity of the people, so that the Indonesian government regulates agrarian matters in the 1945 Constitution, Article 33 paragraph (3) which reads:

"The land, water and natural resources contained therein, control of which is assigned to the Republic of Indonesia, must be used as much as possible for the prosperity of the people."

The explanation of the article gives the state the right to control land. The authority to control land by the state is further strengthened by the Basic Agrarian Law which is a direct derivative of Article 33 paragraph (3) of the 1945 Constitution, as stated in the general explanation of part II (2) of Law Number 5 of 1960 concerning Basic Agrarian Law which reads as follows:

"Article 33 paragraph (3) of the 1945 Constitution does not give the state the right to own land, but only gives the right to control land."

The state's right to control land according to Article 2 paragraph (2) of the UUPA is interpreted as the state's authority to "regulate" as stipulated in the following provisions: 1) Regulating and organizing the allocation, use, supply and maintenance of the earth, water and space; 2) Determining and regulating legal relations between people and the earth, water and space; 3) Determining and regulating legal relations between people and legal acts concerning the earth, water and space.

The state's power to regulate land allocation is oriented towards the public interest (Sari et al., 2021). National project development carried out by the state through State-Owned Enterprises (BUMN) that are oriented towards the public interest certainly requires land (Suryadi and Santiago, 2022). On the other hand, land that is a national development area has already been attached to the rights of the community (Spierenburg et al., 2008). So when the government continues to carry out national development, it must carry out land acquisition as a form of state respect for the rights of its people to land (Saxena, 2008).

Land acquisition was first regulated in the Regulation of the Minister of Home Affairs (PERMENDAGRI) Number 15 of 1975 concerning Provisions Concerning Land Acquisition Procedures, Article 1 paragraph (1) which reads as follows:

"Land acquisition is releasing the legal relationship that originally existed between the rights holders/controllers of their land by providing compensation."

Based on the Article above, land acquisition is the process of releasing rights from rights holders or control to the state (Said and Irwansyah, 2019). By providing compensation to rights holders. In its journey, the term land acquisition was changed to land acquisition through Presidential Decree of the Republic of Indonesia Number 55 of 1993 Concerning Land Acquisition for the Implementation of Development for the Public Interest Article 1 paragraph (1) which reads as follows:

"Land acquisition is any activity to obtain land by providing compensation to those entitled to the land."

Based on the Article above, the term land release has changed to land acquisition. with the release of legal relations becoming an activity to obtain land. In the change of term, the meaning has also changed, the previous meaning of the process of releasing rights has

become an activity to obtain land. The definition of land acquisition has also changed in Article 1 paragraph 2 of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation with the following reading:

"Land acquisition is any activity to provide land by providing fair and just compensation to those entitled."

The Mandalika Resort Special Economic Zone in Kute, Central Lombok Regency, West Nusa Tenggara is a national strategic project in order to improve the national and local economy. The development of the tourism industry area requires support in the form of good facilities and infrastructure. One of the facilities is the construction of a ByPass road from Lombok International Airport to the Mandalika Resort Special Economic Zone. The construction of the By Pass road facility is 17.5 kilometers long and 50 meters wide. The road will provide 4 lanes. The funds for the BIL–Mandalika ByPass Development come from the 2020-2021 State Budget of around IDR 814 billion.

The initial stage in the construction of the Lombok International Airport ByPass Road to the Mandalika Special Economic Zone must go through a land acquisition process. Because previously there were land ownership rights that were privately owned by the community. This analytical study focuses on the land acquisition process for the construction of bypass road facilities leading to the Mandalika Special Economic Zone (SEZ).

The Mandalika SEZ, located in West Nusa Tenggara, Indonesia, is a rapidly developing area designated to boost tourism and economic growth. The development of efficient road infrastructure is crucial for improving access to the SEZ, facilitating economic activities, and enhancing the overall attractiveness of the region. The bypass road project represents a significant public interest initiative (Parker, 2009), aiming to reduce traffic congestion (Santos et al., 2010), improve transportation efficiency, and support the sustainable development of the Mandalika SEZ. However, the acquisition of land for this project presents several challenges, including legal disputes, compensation issues, and the displacement of local communities.

This study aims to analyze the land acquisition process for the bypass road project, examining the legal framework, stakeholder involvement and the socio-economic impacts on affected communities. By exploring these aspects, the study seeks to provide insights into the effectiveness of current land acquisition practices and offer recommendations for improving the process to ensure that it aligns with the principles of fairness, transparency, and public interest. Through a detailed examination of the case study of Mandalika SEZ bypass road, this research contributes to the broader understanding of land acquisition for public development projects in Indonesia, highlighting both the successes and challenges encountered in implementing such initiatives.

2. Methods

This study uses empirical legal research with the statutory, conceptual, and sociological approaches (Budianto, 2020). Reviewing and analyzing legal norms contained in laws and regulations in accordance with the legal issues or problems being studied. The Legislative Approach is an approach that uses legislation and regulations. Normative research must use a legislative approach because what will be studied are various legal regulations that are the focus and central theme of a research. Conceptual Approach, namely an approach that uses legal concepts related to legal issues and problems being studied (Argyrou, 2017).

This is an approach carried out by conducting studies or studies at institutions related to the main problem (Edelman & Stryker, 2005). The data types in this study are primary and secondary, while the data sources use library research and field research. Techniques and ways of obtaining data are by conducting interviews and observations. The purpose of this study is to find out the procedures for implementing land acquisition for the

construction of the Lombok International Airport ByPass road to the Mandalika Special Economic Zone, and to find out the inhibiting factors in this activity.

3. Results and Discussion

3.1 Overview of land acquisition

According to Sarjita, land acquisition is any activity to obtain land by providing compensation to those entitled to the land (Kadir & Rahmatiah, 2021). The term land acquisition first appeared in the Decree of the President of the Republic of Indonesia Number 55 of 1993 concerning Land Acquisition for the Implementation of Development in the Public Interest, Article 1 paragraph (1) which reads as follows:

"Land acquisition is any activity to obtain land by providing compensation to those entitled to the land."

Based on the provisions above, land acquisition is an activity to obtain land by providing compensation to those entitled to the land (Budiastanti et al., 2022). So that the activity to obtain land is required through the Release of Rights or Transfer of Land Rights. Definition of land acquisition in Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation. Article 1 paragraph (2) reads as follows:

"Land Acquisition is an activity to provide land by providing fair and appropriate compensation to the entitled parties."

Based on the understanding of the text of the Article above, the definition of land acquisition contains several elements, namely:

1) Land provision activities

Providing land is an effort to prepare land for development of public interest.

2) Provision of fair and proper compensation

Definition of Compensation According to Law Number 2 of 2012 concerning Land Procurement for Public Interest Article 1 number 10 as follows:

"Compensation is a fair and just compensation to the entitled party in the land acquisition process."

3). Entitled parties

The entitled parties according to Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation Article 1 number 3 are as follows:

"The Entitled Party is the party that controls or owns the land acquisition object."

According to Gunanegara, land acquisition is the process of releasing rights to ownership of land and/or objects on it which is done voluntarily for the public interest. Meanwhile, according to Sarjita, land acquisition is any activity to obtain land by providing compensation to those entitled to the land. According to Imam Koeswahyono, land acquisition is a legal act carried out by the government to obtain land for certain interests by providing compensation to the owner (either an individual or a legal entity) of the land according to certain procedures and nominal amounts. The basic concept of land acquisition through the release or transfer of land rights is carried out through deliberation based on an agreement between the two parties, namely the land owner and the Government as the party in need.

3.2 Principles of land acquisition

Land acquisition implementation must pay attention to the principles (principles) as regulated in laws and regulations and related provisions. The National Land Law states the principles that apply to land control and legal protection for land rights holders, namely:

a) That control and use of land by anyone and for any purpose must be based on the rights of the ruling party, even if there is a disturbance to the land provided by the National Land Law.

b) That control and use of land without any basis for its rights (illegal) is not justified and is subject to criminal sanctions.

c) That control and use of land based on rights provided by the National Land Law is protected by law against disturbances from any party, whether by fellow members of the community or the ruling party. If the disturbance has no legal basis,

d) That the law provides various legal means to overcome existing disturbances, namely:

1) Disturbance by fellow community members; civil lawsuit through the District Court or request protection from the Regent/Mayor according to Law Number 51 Prp of 1960.

2) Disturbance by the Authorities: lawsuit through the State Administrative Court.

e) That under normal circumstances, it is required by anyone and for any purpose (also for public interest projects) the acquisition of land that is entitled to a person must be through deliberation to reach an agreement, both regarding the transfer of the land to the party in need and regarding the compensation which is the right of the holder of the land rights in question to receive it.

f) That in relation to the above, under normal circumstances, to obtain the required land, there is no justification for any form of coercion by anyone against the rights holder, to surrender his land and/or receive compensation that he does not agree to, including the use of the institution of "payment offer followed by consignment at the District Court" as regulated in Article 1404 of the Civil Code.

g) That in a compelling situation, if the land in question is needed for public interest, and it is impossible to use other land, while the deliberations held do not succeed in reaching an agreement, forced acquisition can be carried out, in the sense that it does not require the consent of the rights holder, by using the "revocation of rights" procedure regulated in Law Number 20 of 1961 concerning Revocation of Rights to Land and Objects Thereon.

h) That in the acquisition or taking of land, either on the basis of mutual agreement or through revocation of rights, the rights holder is entitled to receive compensation or compensation, which not only includes the land, buildings and plants of the rights holder, but also other losses suffered as a result of the surrender of the land in question.

i) That the form and amount of compensation or damages, also if the land is needed for public interest and the rights are revoked, must be such that the former rights holder does not experience a decline, either in the social field or in his economic level.

The principle of land acquisition for public interest is based on the explanation of Article 2 of Law Number 2 of 2012 on Land Acquisition for Development in the Public Interest: Jo Law Number 11 of 2020 concerning Job Creation "Land Acquisition for public interest is carried out based on the principles of: humanity, justice, benefit, certainty, openness, agreement, participation, welfare, sustainability, and harmony".

1) Humanity

2) Justice

3) Benefit

4) Transparency

5) Agreement

6) Participation

7) Welfare

8) Sustainability

9) Harmony

3.2.1 Overview of the area affected by the construction of the BIL-Mandalika bypass road

The construction of the ByPass road from Lombok International Airport to the Mandalika resort special economic zone is 17.34 kilometers long, consisting of four lanes with a width of 50 meters with two fast lanes and two slow lanes. The construction work of the Lombok International Airport ByPass to the Mandalika Special Economic Zone is carried out by dividing it into three packages. Package 1 is 4.3 km long, package 2 is 9.7 km long and package 3 is 3.36 km long. The budget from the APBN for package 1 is more than IDR 238.569 billion. Package 2 is IDR 394.815 billion and package 3 is more than IDR 180.555 billion. Meanwhile, for this technical supervision package, a budget is allocated with a ceiling of more than IDR 9.376 billion.

The construction of the BIL-Mandalika ByPass road is located in Pujut District, Pujut is one of the districts in Central Lombok Regency, West Nusa Tenggara, Indonesia. The center of government is in Sengkol Village which is about 15 km southeast of the capital of Central Lombok Regency. The population is around 102,659 people (2015) Pujut District is better known as the South Lombok area. Because it borders directly with the Indian Ocean, this district is famous for having many beautiful beaches.

Pujut District is a district in Central Lombok Regency with the largest area among the 12 existing districts, which is around 23,355 ha or occupies around 19.33 percent of the area of Central Lombok Regency. Geographically, Pujut District is located in the southern part of Central Lombok Regency and borders the Indonesian Ocean. This is one of the reasons for the emergence of many tourist attractions, especially marine tourism that has beautiful beaches and unique waves. In the north it borders Praya Tengah District, borders Praya Timur District in the east and Praya Barat District in the west.

3.2.2 Implementation of procurement of bypass road facilities to special economic zones

Road construction as part of infrastructure is a priority program of the Government. This is proven by the budget for infrastructure which always increases every year. In 2020, the Government allocated a budget for infrastructure development in 2021 of Rp417.8 trillion²⁷. Road construction is an activity of programming, planning and budgeting for road procurement. Meanwhile, the definition of road construction according to Article 1 paragraph (12) of Law Number 38 of 2004 concerning roads reads as follows:

Road construction is the activity of programming and budgeting, technical planning, construction implementation, and operation and maintenance of roads. Meanwhile, roads are a means of land transportation. More clearly, the definition of roads is regulated in Article 1 paragraph (4) of Law Number 38 of 2004 concerning Roads, which reads as follows:

Roads are land transportation infrastructure that includes all parts of the road, including complementary buildings and equipment that are intended for traffic, which are on the ground surface, above the ground surface, below the ground surface and/or water, and above the water surface, except for railroads, lorry roads, and cable roads.

Roads are grouped into 2 (three) groups, namely public roads, and special roads. Public roads are roads designated for public traffic while special roads are roads built by agencies, business entities, individuals, or community groups for their own interests.

ByPass road or toll road is part of public road. The construction of ByPass road from Lombok International Airport to Mandalika Special Economic Zone has an important position in tourism development in Central Lombok. The ByPass road facilitates access to Mandalika Resort Special Economic Zone for tourism actors. Meanwhile, according to PUPR Minister Basuki Hadimuljono, the construction of 17.36 km BIL ByPass road will facilitate connectivity from BIL Airport to the tourist area in Mandalika Super Priority Tourism Destination (DPSP) while supporting access to MotoGP circuit which is also built in Mandalika area.

The existence of the ByPass from Lombok International Airport (BIL) to the Mandalika Resort Area reduces travel time from 30 minutes to 15 minutes. Thus, easy access will have an impact on accelerating economic development in the Mandalika Special Economic Zone. The construction of the ByPass from Lombok International Airport requires 48.1 hectares of land. For this land requirement, the government must carry out a land acquisition process.

The land that is the location for the construction of the By Pass road is mostly rice fields that have been owned and controlled by the community. Thus, the community is not necessarily willing to sell their land, on the other hand, the government has designated the location for the construction of the ByPass road from Lombok International Airport to the Mandalika Resort Area. So that the provision of land for the construction of the ByPass from Lombok International Airport to the Mandalika Resort area must be carried out through a land acquisition process as regulated in Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation.

Termination of legal relations using the process of New land acquisition can be carried out if the development carried out by the government is for the public interest. If the development is not for the public interest, but for the interests of private businesses. Then the termination of legal relations must be carried out through the process of buying and selling, exchanging, renting and others.

Public interest is the main basis for the government to terminate rights by means of land acquisition (Bokings, 2022). The term public interest is regulated in Article 1 point 6 of Law Number 2 of 2012 Concerning Land Acquisition for Development in the Public Interest, which reads:

"Public interest is the interest of the nation, state and society which must be realized by the government and used as much as possible for the prosperity of the people."

Based on the Article above, it can be concluded that the development carried out by the government is to improve the welfare of the majority of the people and advance the nation's economy. However, to avoid government arbitrariness, the government provides limitations on what is included in the public interest. The use of land for public interest is regulated in Article 10 of Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation, which reads as follows. Land for Public Interest as referred to in Article 14 paragraph (1) is used for the development of:

- a) National defense and security;
- b) Public roads, toll roads, tunnels, railway lines, railway stations, and railway operating facilities;
- c) Reservoirs, dams, weirs, irrigation, drinking water channels, drainage and sanitation channels, and other irrigation structures;
- d) Ports, airports, and terminals;
- e) Oil, gas, and geothermal infrastructure;
- f) Electricity generation, transmission, substations, networks, and distribution;
- g) Government telecommunications and information networks;
- h) Waste disposal and processing sites;
- i) Government/Regional Government Hospitals;
- j) Public safety facilities;
- k) Government/Regional Government public cemeteries;
- l) Social facilities, public facilities, and public green open spaces;
- m) Nature reserves and cultural reserves;
- n) Government/Regional Government/village offices;
- o) Arrangement of urban slums and/or land consolidation, and housing for low-income people with rental status;
- p) Government/Regional Government educational or school infrastructure;
- q) Government/Regional Government sports infrastructure; and

r) Public markets and public parking lots.

The use of land for public interest in experiencing additional types of development as regulated in Government Regulation Number 19 of 2021 concerning Land Acquisition for Public Interest Article 2 as follows:

- 1) National defense and security;
- 2) Public roads, toll roads, tunnels, railway lines, railway stations and railway operating facilities;
- 3) Reservoirs, dams, weirs, irrigation, water and sanitation channels and other irrigation structures;
- 4) Ports, airports, and terminals;
- 5) Oil, gas, and geothermal infrastructure;
- 6) Electricity generation, transmission, substations, networks, and/or distribution;
- 7) Government telecommunications and informatics networks;
- 8) Waste disposal and processing sites;
- 9) Central or regional government hospitals;
- 10) Public safety facilities;
- 11) Central or regional government public cemeteries;
- 12) Social facilities, public facilities, and public green open spaces;
- 13) Nature reserves and cultural reserves;
- 14) Central government, regional government, or village offices;
- 15) Arrangement of urban slums and/or land consolidation and housing for low-income communities with rental status including for the construction of public and special houses;
- 16) Central government or regional government education or school infrastructure;
- 17) Central government or regional government sports infrastructure;
- 18) Public markets and public parking lots;
- 19) Upstream and downstream oil and gas industrial areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises;
- 20) Special economic zones initiated and or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises;
- 21) Industrial areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises;
- 22) Tourism areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises (Trihatmoko & Susilo, 2023);
- 23) Food security areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises (Nurnaningsih, 2023).; and
- 24) Technology development areas initiated and/or controlled by the central government, regional government, state-owned enterprises, or regional-owned enterprises (Sitompul et al., 2024).

Based on the Article above, it provides limits regarding public interest, where the type of development for the interest must have been listed in the Article. If the type of development is not regulated in the Article. Then the development carried out is not for the public interest. Construction of a ByPass road which is part of a public road. So that the use of land for road construction is a public interest. Termination of legal relations between land owners and the government over land which is the location for the construction of a ByPass road is carried out through the land acquisition process as regulated in Law Number 2 of 2012 concerning Land Acquisition in conjunction with Law Number 38 of 2020 concerning Job Creation.

The definition of land acquisition conveyed by legal experts has differences. As Sarjita's opinion, land acquisition is any activity to obtain land by providing compensation to those entitled to the land. Meanwhile, according to Arba, land acquisition is an activity to provide land for development for the public interest by releasing/terminating the legal relationship

between the rights holder and the land and the objects on it through deliberation and consensus by providing appropriate and fair compensation to the entitled party.

The definition of land acquisition according to Article 1 paragraph (2) of Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation reads as follows:

"Land Acquisition is an activity to provide land by providing fair and equitable compensation to the entitled party."

Based on the understanding of the Article and the opinions of legal experts above, the definition of land acquisition has several elements, namely: Activities to provide land Providing land is an effort to prepare land for development of public interests.

1) Provision of fair and appropriate compensation

Definition of Compensation According to Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2022 concerning Job Creation Article 1 number 10 as follows:

"Compensation is a fair and just compensation to the entitled party in the land acquisition process."

2) Entitled Party

The entitled party according to Law Number 2 of 2012 concerning Land Acquisition for Public Interest in conjunction with Law Number 11 of 2020 concerning Job Creation Article 1 number 3 is as follows:

"The Entitled Party is the party that controls or owns the object of land acquisition."

3) Termination/release of rights to land and objects above it

The definition of release of rights is not regulated in Law Number 12 of 2012 concerning Procurement for Public Interest in conjunction with Law Number 11 of 2022 concerning Job Creation. However, it is regulated in Release of rights or transfer of rights to Land is regulated in Article 1 paragraph 2 of the Decree of the President of the Republic of Indonesia Number 55 of 1993 concerning Land Acquisition for the Implementation of Development in the Public Interest, which reads as follows:

"Release or transfer of land rights is an activity to release the legal relationship between the land rights holder and the land he controls by providing compensation on the basis of deliberation."

3.2.3 Compensation

In providing compensation, the local National Land Agency will determine the compensation value from the assessment in accordance with the applicable laws and regulations (Tagliarino, 2017). Furthermore, the regional National Land Agency will provide compensation for the land acquisition object directly to the entitled party / owner of the land (Ghimire et al., 2017). Compensation is given based on the results of the assessment that has been determined in the deliberation and / or decision of the District Court or Supreme Court (Tagliarino et al., 2018).

In providing compensation for land acquisition for the BIL-Mandalika ByPass road, residents receiving compensation are given a receipt for collecting compensation money at their respective village offices. In the provisions of Article 41 of Law Number 2 of 2012, when providing compensation to the entitled party, the entitled party is obliged to take the following actions: 1) Carrying out a release of rights, and 2) Submitting proof of control or ownership of the land acquisition object to the agency requiring the land through the land agency, namely the local National Land Agency.

The above proof of ownership is the only legal evidence and cannot be challenged in the future. The entitled party who receives the compensation will be responsible for the truth and authenticity of the proof of control or ownership submitted. If there is a violation or falsification of the truth and authenticity of the evidence of control or ownership submitted, then criminal sanctions will be imposed in accordance with the provisions of the applicable Laws and Regulations (Fellmeth, 2005). The release and submission of evidence of control or ownership submitted to the agency that requires the land, the agency is obliged to provide compensation while the entitled party will receive the form and amount of compensation from the agency that requires the land.

If the entitled party rejects the form and amount of compensation determined in the results of the deliberation, the agency requiring the land can entrust the form and amount of compensation to the local District Court, which is often known as Consignment Money. At the time of the implementation of compensation and release of rights that have been implemented or compensation that has been deposited in the local District Court based on Article 42 of Law Number 2 of 2012, the right to control or ownership of the land acquisition object from the original held by the entitled party/owner is revoked and evidence of control or ownership is declared invalid and the land becomes land controlled by the State. The agency that requires the land that has become state land will be taxed in accordance with the local Regional Government Regulation. The nominal compensation provided is as follows:

Table 1. List of respondents affected by the construction of the BIL-Mandalika bypass road

No	Name	Address	Object area (are)	Price per area (IDR)	Total compensation (IDR)	Title description
1	H. M. Unjuk	Segala Anyar Village	1.17	-	127,000,000	Certificate
2	Samiah	Segala Anyar Village	2	40,000,000	80,000,000	Certificate
3	Ratna Kartini	Segala Anyar Village	7.8	27,000,000	210,000,000	Certificate
4	Lailuna	Tanak Awu Village	6	26,000,000	156,000,000	Certificate
5	H. Abdurrahman	Tanak Awu Village	13	27,000,000	351,000,000	Certificate

From the research results above obtained from several respondents spread across several villages affected by road construction, that in the implementation of compensation, the amount of compensation is obtained from the area of land affected by the construction of the BIL-Mandalika By Pass road added to the value of buildings and plants, from the table above it can also be concluded that the provision of compensation for the land that was released has a different compensation price per are even though it is located in one village.

Compensation implementation, the Committee held socialization to the community affected by the development (Nadriana and Hastoro, 2021). Implementation of socialization In Tanak Awu Village, the committee conducted socialization to the affected community three times. Residents of Segala Anyar Village were also socialized three times. However, in Sengkol Village, the implementation of socialization carried out by the land acquisition implementation committee was only carried out one time.

Based on public knowledge of the provisions of legislation relating to development for the public interest, especially the provisions of Article 1 number 2 of Law Number 2 of 2012 concerning the activity of providing land by providing fair and appropriate compensation to those entitled and also in the provisions of Article 38 of Law Number 2 of 2012, concerning in the event that there is no agreement regarding the form and/or amount of compensation, the entitled party can file an objection to the court at the local district court within 14 working days after the deliberation to determine compensation as referred to in Article 37 paragraph (1), so that it will become an obstacle in providing compensation because the community continues to demand compensation until an agreement is found or the requested price is appropriate.

The compensation value given by the committee to the community varies widely. Residents affected by the construction of the Lombok International Airport ByPass road to the Mandalika Resort Area. Based on the results of interviews conducted by the author with

13 residents and 1 person from the BPN. According to Abdul Hamid as the Coordinator of the Land Acquisition Sub-Division of the NTB National Land Agency Regional Office, he explained that the compensation budgeted for land acquisition of 48.1 ha was worth IDR 361,620,151,347. Thus, if the total budget area issued for land acquisition is divided by the amount of land acquired, the average compensation is worth + IDR 75,000,000/are, while in the results of interviews with residents. The compensation value received was not up to IDR 75,000,000.

Based on an interview with Mr. Ukir, a resident of Tonjer Hamlet, Sengkol Village, the compensation given was IDR 27,000,000/are, which did not match the purchase price of IDR 60,000,000/are. For Segala Anyar Village, the compensation received was IDR 40,000,000/are. In Tanak Awu Village, there were residents who received compensation of IDR 26,000,000/are, some received compensation of IDR 27,000,000/are, the highest compensation value was in Sengkol Village, which was IDR 40,000,000/are. The provision of compensation to the community also varied, some received compensation at the village office, the District Office and the Governor's office.

The various nominal compensation given by the land acquisition committee is a manifestation of the failure to apply the principle of fair and reasonable compensation (Amerasinghe, 1992). The fact that the Taxable Object Sales Value (NJOP) of land plots from one village to another is different is not a reason for the land acquisition committee not to act fairly. On the other hand, the adequacy of the compensation received by the community is still very far from being adequate. Where the distance between the market price of the land is IDR 60,000,000 while the compensation received is IDR 27,000,000. Of course this situation makes the community lose out by providing inadequate compensation.

3.3 Barriers in the land acquisition process for the construction of the bypass road from Lombok International Airport to Mandalika Resort Area

According to Oemar36, Obstacles are anything that hinders, obstructs, or hinders that humans or individuals encounter in their daily lives that come one after another, thus creating obstacles for individuals who live them to achieve their goals". Obstacles in land acquisition activities for the construction of the Bay Pass BIL - Mandalika Resort road include non-juridical obstacles. Non-legal obstacles are obstacles to the implementation of land acquisition that occur outside the legal framework (Van Rooij, 2007). Non-legal obstacles are often referred to as social obstacles. Social obstacles are obstacles caused by differences in social class, education, age, etc.

3.3.1 Social factors

In the process of land acquisition for the Bypass road from Lombok International Airport to Mandalika Resort, challenges arise from the social aspects of the community. The level of education among the community members influences their awareness and decision-making process. The majority of landowners have limited understanding of the importance of constructing the Bypass road from Lombok International Airport to Mandalika Resort. This road development would enhance the economy, especially for the people of Lombok and the landowners affected by the land acquisition process.

Consequently, community awareness regarding land acquisition activities is akin to a commercial transaction. The compensation provided to landowners needs to be high or exceed market value (Kroeger & Casey, 2007). The community fails to comprehend that the compensation value is determined by an appraisal team based on regulations (Lockwood, 2010). This situation arises due to inadequate socialization and transparency in the land acquisition process. Hence, community awareness does not improve during each land acquisition process for public interest purposes.

3.3.2 Cultural factors

The land acquisition process for the construction of the Bypass road from Lombok International Airport to Mandalika also presents cultural impacts. The communities affected by the construction experience changes in their cultural dynamics. Prior to the construction of the Bypass road, these communities had a tradition of mutual assistance in agricultural production, spanning from planting seasons to harvests. However, after the construction of the Bypass road, affected communities underwent a shift towards individualistic traditions. This shift is influenced by individualistic thinking patterns that prioritize self-interest, gradually eroding the tradition of communal cooperation in agricultural activities over time. The erosion of this tradition extends to community behavior patterns in social interactions.

3.3.3 Economic factors

The process of land acquisition for the construction of the Bypass road from Lombok International Airport to Mandalika is also influenced by the economic factors of the community. Economic considerations significantly affect the decisions of community members regarding compensation acceptance (Mduluzi et al., 2013). Some community members already have a stable economic status and possess large amounts of land before the road construction (McMorran and Scott, 2013). Consequently, these individuals may accept compensation without engaging in lengthy negotiations. Furthermore, there is a perception among residents that the construction of the Bypass road from Lombok International Airport to Mandalika will increase the economic value of their land.

However, the community's hopes for economic improvement could not be realized. This is because the land, which initially could sustain the livelihoods of the majority of the community affected by the construction of the Bypass road, experienced a reduction in size after the construction. This reduction in land area led to a decrease in agricultural production for the affected community. As a result, the livelihoods of the affected community members were not fulfilled due to the construction of the bypass road.

4. Conclusions

The land acquisition committee in implementing land clearance for the construction of the Bypass road from Lombok International Airport to Mandalika Resort has adhered to the applicable laws, starting from the planning stage, preparation, execution, and delivery of results. Compensation provided in the land clearance for the Bypass road from Lombok International Airport to Mandalika Resort has been administered by the land clearance committee. However, concerning the compensation amount, the committee has not provided fair compensation to landowners, which is one of the fundamental principles in land acquisition for development for public interest purposes as stipulated by the law. Additionally, there are inhibiting factors in the land acquisition process for the Bypass road from Lombok International Airport to Mandalika, influenced by the education level of the community, which affects their decision-making process. Consequently, the majority of the community has limited understanding of the significance of the Bypass road construction for Mandalika Resort.

The land acquisition committee, in carrying out land acquisition for development for public interest purposes, must consider the interests and rights of the affected communities. The committee should provide equal compensation to all members of the community as a means of ensuring fairness and well-being. This ensures that the implementation of strategic projects aimed at enhancing the welfare of the people does not infringe upon the rights of the people during the project development process. The government should regulate the meaning of fair compensation in legislation. The land acquisition committee should conduct negotiations to determine fair compensation values as required. This ensures that agreements are reached between all parties involved. Additionally, the committee should enhance public awareness through extensive socialization efforts

regarding the purpose and benefits of strategic project development. This will foster community awareness and reduce resistance to strategic project development initiatives.

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