

IMPLEMENTATION OF LAW NO. 2 OF
2012 CONCERNING LAND
PROCUREMENT FOR DEVELOPMENT
FOR PUBLIC INTEREST IN THE CASE OF
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SPECIAL REGION

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PalArch's Journal of Archaeology of Egypt / Egyptology

1

IMPLEMENTATION OF LAW NO. 2 OF 2012 CONCERNING LAND PROCUREMENT FOR DEVELOPMENT FOR PUBLIC INTEREST IN THE CASE OF INTERNATIONAL AIRPORT DEVELOPMENT IN YOGYAKARTA SPECIAL REGION

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1

Siti Zuliyah and Tri Wahyuningsih: **Implementation of Law No. 2 of 2012 Concerning Land Procurement for Development for Public Interest in the Case of International Airport Development in Yogyakarta Special Region -- Palarch's Journal of Archaeology of Egypt/Egyptology, ISSN 1567-214x**

Keywords: Airport Development, Land Acquisition Conflict, Conflict Resolution

ABSTRACT

Broadly speaking, the objectives of this study, first want to know the factors inhibiting the land acquisition process in the construction of the International Airport in the Special Region of Yogyakarta, and secondly to find out efforts to overcome the Barriers to land acquisition process in the construction of the International Airport in Yogyakarta Special Region based on Law no. 2 of 2012. This research is an empirical legal research, namely legal research that examines and analyzes people's behavior in relation to law. The approach method uses a juridical and sociological approach, which is a study conducted on the real situation of society with the aim of finding facts that can be used as legal material. Methods of data collection through literature study, interviews and observations, then the data were analyzed using descriptive qualitative methods. The results of the study concluded that the factors inhibiting the land acquisition process in the construction of the International Airport in Yogyakarta Special Region were caused by several factors, namely: the affected community members fear of losing their livelihoods or employment opportunities, differences in perceptions and differences in interests between communities and the government in utilizing agricultural land, disconnection of community relations, determination of compensation that are deemed inadequate, and unclear land data collection. Of these several factors, the dominant influence was the factor of fear of losing their livelihoods or jobs and the factor of determining compensation which is deemed inappropriate. Because these two factors, apart from being a guarantee of survival and supporting the family's economy, can also influence the members of the affected community to regain their previous standard of living and benefits. Efforts to overcome obstacles to the land acquisition process in the construction of an international airport in the Special Region of Yogyakarta based on Law No. 2 of 2012 concerning land acquisition for public purposes, for example through negotiation, mediation and consignment. The method of negotiation and mediation resulted in the lack of agreement because there were some members of the community who did not agree with the decision made on the grounds that compensation and land data collection were not appropriate. As for the

consignment method that can be applied, it seems that the community members are forced to accept compensation set by the government.

INTRODUCTION

Land plays an important role, even determining the success or failure of a development. Land acquisition is a government's act of acquiring land for various development purposes, especially for the public interest. Development activities for the public interest were carried out using state land, but due to the limited state land, there was a policy to use community land. Development have continued to increase while the land supply does not change, this will have the potential to cause land problems.

Land problems are issues that always arise and are always actual from time to time, along with the increasing population, development, and the increasing access of various parties who acquire land as basic capital for various interests (Pahlevi, 2014), this is according to the opinion of Maria SW Sumardjono, who conveyed the existence of land problems that were grouped into four, namely (1) problems of community cultivation of land for forestry areas, plantations and others (2). Problems relating to violations of provisions on land reform (3). Excesses in providing land for development purposes, and (4). Civil disputes relating to land issues. (Maria S.W Sumardjono, 2001: 170)

Yogyakarta Special Region is one of the regions in Indonesia that recently carried out the land acquisition process for the construction of a new airport in Kulonprogo. Even though the new airport was inaugurated in August 2020, the land acquisition process encountered obstacles. The local government has implemented Law Number 2 of 2012 concerning land acquisition for development for public purposes, but in its implementation, it often creates problems.

Based on this fact, the writer is interested in conducting research on the implementation of law no. 2 of 2012 concerning land acquisition for development for public interest in the case of the construction of an International Airport in the Special Region of Yogyakarta.

Based on the background above, the problems studied in this study are :

1. What factors hinder the land acquisition process in the construction of the International Airport in Yogyakarta Special Region?
2. How are the efforts to overcome the land acquisition process in the construction of the International Airport in the Special Region of Yogyakarta based on Law No. 2 of 2012 .?

RESEARCH METHOD

This research is an empirical legal research, while the approach used in this study is a sociological juridical approach. This research was conducted in Temon Subdistrict, Kulon Progo Regency, Yogyakarta Special Region, Palihan Village, and Glagah Village.

Sources of data were obtained from informants who had been selected purposively, consisting of people who were members of the trinity vehicle, PT Angkasa Pura, the local government BPN and the Legal Aid Institute. Data analysis in this study was carried out in a qualitative descriptive manner.

RESEARCH RESULTS AND DISCUSSION

Inhibiting Factors on Land Acquisition Process in International Airport Development in Yogyakarta Special Region

Yogyakarta Special Region is one of the regions in Indonesia that recently carried out the land acquisition process for the construction of the International Airport in Kulon Progo. However, in its implementation, there are obstacles caused by the community who are starting to feel that their work on agricultural land and land rights is threatened by being taken away or evicted by the construction of the International airport, therefore the community's desire to struggle to defend their agricultural land for their survival arises. According to Magsi et al, that land use conflicts often occurred in Indonesia during 2002, the government issued a regulation that allows the state to take over land for public facilities by force. (Magsi et al, 2017: 19-30)

Obstacles in land acquisition in the construction of the International airport in the Special Region of Yogyakarta occurred due to the conversion of agricultural land to non-agricultural land, which covers an area of 645, 36 ha for airport development. According to the Head of Dipertahun, the condition of land use change in Kulon Progo from year to year has increased. In the next five years, Kulon Progo Regency is estimated to lose around 300 ha of rice fields. This amount is related to the construction of an airport in Temon sub-district which will eliminate 111 ha of rice fields, as well as 56 ha of lost rice fields for community settlements affected by airport construction, and the rest will be allocated for economic growth and other services. (Kedaulatan Rakyat, 30 August 2016). The results of research by Murhaini, S & Ludang, Y, on "Sociological Aspects of Transferred Land to Settlements in Indonesia", concluded that the conversion of agricultural land to non-agricultural land without supervision would endanger human life and even other living creatures. (Murhaini, 2020:247-255).

Based on data from the Central Bureau of Statistics of Kulon Progo Regency, the population in Temon Subdistrict mostly works in the agricultural sector, especially in the food crop sector, namely rice and secondary crops. In 2015, the most production of food crop commodities was rice production with production reaching 12,749.80 tons. Furthermore, corn is in second place with production reaching 612 tons, followed by cassava production of 538 tones. As for the production of peanuts as much as 122 tons and soybeans which produce as much as 7 tons.⁷¹ The local government of Kulon Progo Regency then compiles and ratifies a draft regional regulation on the Kulon Progo Regency Spatial Planning (RTRW). With the new RT RW, the status of Temon sub-district has been changed from a rural area to an urban area which has a major effect on the conversion of function to land for other economic activities, including the development of tourism industrial areas, including lodging services, malls and hotels, as well as property such as apartments. As a result, on the construction of an international airport, many developments in the property industry and supporting services for the tourism industry will enter Kulon Progo Regency. (Rizki Fatahillah, 2016: 2)

Obstruction of land acquisition in the construction of the International Airport is caused by the factor of conversion of agricultural land to non-agricultural which results in the loss of jobs or livelihoods of the affected people, most of whom work as farmers who are highly dependent on agricultural land.

It is understandable that for rural communities, land is the main source to make ends meet. This is consistent with what Me.Charty (2012) stated, that land is the main

source of social security for the poor, which can provide the necessities of life. Likewise, the research results of Habibullah Magsi and Andre Torre, regarding land use conflicts caused by infrastructure projects, which resulted in the expropriation of houses, agriculture and productive resources in developing countries concluded that in developing countries, many infrastructure development projects made by the government have had a negative impact on rural community life. For the community, loss of land will have a long impact on the economy, social and food security of the population. (Habibullah Magsi, 2013)

According to Yogyakarta Law Activists and Advocates as follows.

The dispute over land acquisition for the construction of an international airport in Yogyakarta Special Region occurred when the community had different perceptions with the government and PT. Angkasa Pura I, for the people in Temon Subdistrict which is the affected area, thought that the area in Temon Subdistrict should be used as an area for agricultural and livestock land, not for the sake of airport development considering that the land in the area is fertile and productive. As for the government of Kulon Progo Regency and PT. Angkasa Pura I believed that the construction of the airport will open up as many jobs as possible for the community and improve the regional economy.

This difference in perception is the cause of the obstruction of land acquisition. Another factor that caused obstruction of land acquisition in airport development was the difference in interests between the Kulon Progo Regency government and PT. Angkasa Pura I with the community in utilizing the land. As stated by an advocate in Yogyakarta;

“that the affected community members defend their land because it is for the economic interests of their family and working land, while the government and PT. Angkasa Pura I in utilizing the land as the location for the construction of an International Airport for the benefit of increasing regional economic growth.

This is not in accordance with Law number 2 of 2012 in Article 9 paragraph (1) which states that the implementation of land acquisition for the public interest takes into account the balance between the interests of development and the interests of the community.

Differences in interests also occur between the communities themselves, resulting in divisions in the affected communities. There are community members who are pro-airports who support airport development and there are also people who are against airport development. This is like the statement made by the figure of Wahana Tri Tunggal as follows.

“that the people in Temon sub-district used to live in harmony, peace and farming properly to meet the needs of their families, but when they heard the news that this area would be turned into an airport, divisions emerged in the community, some were pro-airport and some were contra airport because of different interests.

The statement of Wahana Tri Tunggal above proves that the people involved in the conflict in Temon Subdistrict experienced divisions due to differences in interests. There were people who wish to fight to defend their agricultural land and land rights and on the other hand there were also community members who were willing to hand over their land rights to the Local Government of Kulon Progo Regency and PT. Angkasa Pura I for the smooth construction of the airport.

Another factor that caused the obstruction of land acquisition in airport construction was the concern of the affected community members of the disconnection from the local community that has existed so far that they will lose their community. This is as conveyed by Sofyan, a member of the Palihan Village community as follows.

“.... With the construction of an airport, we will all move out which means we will lose our relatives and neighbors, including traditions that have been passed down through generations, losing our ancestral heritage, and everything”

The researcher understands it because social relations are an important factor in life together. They have lived and worked together long enough that they perceive themselves as a social entity interacting based on common customs.

Another factor that causes obstruction of land acquisition for airport construction is the unclear determination of compensation and relocation of affected residents. This is as conveyed by the figure of Wahana Tri Tunggal as follows: "because there was no clarity at that time regarding compensation for land for residents who owned buildings, as well as clarity regarding the relocation of affected residents, even though it had been socialized by the village government, that the affected residents will be relocated on village treasury land, however, the village treasury land will not be sufficient to accommodate all affected residents. In addition, the status of the land is only the right to use or right to build, not ownership rights

Land data collection that is not in accordance with the land certificate is also a cause of obstruction in land acquisition, as stated by Supri, a member of Wahana Tri Tunggal as follows.

“said that the land data collection system was not in accordance with what was stated in the certificate thus it was detrimental to the affected community regarding the determination of compensation, according to Supri who said that compensation was only carried out appropriately thus the affected residents felt disadvantaged. According to Supri, the local government of Kulon Progo Regency had made payments compensation for land for communities affected by the planned airport construction in November 2016. through safekeeping at the Wates Court or known as a consignment. By making compensation payments it can be said that the Regional Government and PT. Angkasa Pura I looks optimistic about building an airport despite land conflicts in Temon Subdistrict, Kulon Progo Regency.”

Based on the results of interviews and related research results, the writer concludes that the obstruction of land acquisition in the construction of the International Airport in Yogyakarta Special Region is caused by several factors, namely: first, the affected community members are worried that they will lose their livelihoods or jobs because agricultural land for rural communities is the main source to meet the necessities of life and guarantees of survival for the family. Second, differences in perceptions between community members and the government regarding the benefits of agricultural land. For the community, Temon area should be used as an agricultural area considering that the land in the area is fertile and productive. On the other hand, the government assumes that the construction of an airport will open up as many jobs as possible that can improve the welfare of the community. Third, the difference in interests between community members and the government is for the community to defend their land for the benefit of their families. The government has an interest in increasing regional economic growth. Fourth, the disconnection from the local community has been going on so far, so they will lose their community. Fifth, inadequate determination of compensation and unclear relocation have also triggered conflict. Of the several factors

causing the obstruction of land acquisition, the most dominant one is the factor of worrying about losing one's livelihood or employment and the factor of determining compensation which is deemed inappropriate. This is due to these two factors, apart from being a guarantee of survival and supporting the family economy, it can also influence the affected community members to regain their previous standard of living and dignity.

Efforts to overcome obstacles to the Land Acquisition Process in International Airport Development in the Special Region of Yogyakarta based on Law no. 2 of 2012

In an effort to deal with obstacles in the process of land acquisition for airport construction in Kulon Progo, the Kulon Progo Regency Government refers to the rules and regulations as well as mechanisms that have been regulated in law, namely Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest. Efforts to overcome obstacles to the land acquisition process for airport development in the Special Region of Yogyakarta are carried out by the local government by means of a persuasive approach to affected communities through deliberation, mediation, and consignment.

a. Musyawarah (Negotiation)

In general, negotiation is a method or effort by the parties with the aim of reaching a mutual agreement on the basis of a more harmonious and creative cooperation. Here the parties are face to face carefully in discussing what they face in a cooperative and open manner. (Joni Emerson, 2001) Another opinion expressed by Hadi Mulyo (Hadi Mulyo, 1997: 34) stated that negotiation is a process that takes place in an open manner between parties who meet face to face to find an acceptable agreement by both parties on a particular issue.

Through deliberation, it shows the existence of community compliance with the norms of ideal norms that live in society. Judging from the Functional Structural theory, that a person's actions are influenced by the values prevailing in society. In this perspective, the role of culture is a determinant of a person's behavior, including using forums to solve problems faced, this behavior is value-oriented behavior that is related to normative standards that control individual parties (G.Ritzer, 1988: 114-115)

Deliberations carried out by the local government to affected community members were conducted in 2013, but it can be said that there is a lack of agreement between the parties involved in the conflict in resolving the problem. The affected community members are worried about the change or conversion of agricultural land to non-agricultural land covering an area of 645.36 hectares for the construction of the airport, according to Disperdahun, the condition of land use change in Kulon Progo from year to year has increased. In the next five years, Kulon Progo Regency is estimated to lose 300 ha of rice fields. This amount is related to the plan to build an airport in Temon District which will eliminate around 111 ha of rice fields. As well as 56 ha of rice fields that are lost for settlements affected by airport construction and the rest is allocated for economic growth and other services. (Kedaulatan Rakyat (2016: 5)

Temon Subdistrict is an area that is very fertile for agricultural land to meet the needs of the community, so since it is known that there is a plan to build an airport in Temon Subdistrict, especially in Palihan and Glagah villages, which were the construction sites, the affected community members immediately rejected the airport construction.

The dependence of community members on land and agricultural products as well as livestock business developers made the community react strongly when the Regional Government of Kulon Progo Regency and PT Angkasa Pura I worked together to realize the airport development plan in Temon Subdistrict. The land conflict in Temon Subdistrict occurred when there was a plan to build an International Airport, when the community began to feel afraid when the land they had cultivated would be confiscated and evicted by the local government and PT. Angkasa Pura I, actually if the local government sided with the community, then the conflict would not have occurred.

The explanation above shows that the relationship between the community in Temon Subdistrict and the land allows us to believe in the meaning of the Javanese philosophy, namely: "*sadhumuk batuk sanyari bumi, yen perlu ditohi pati* " which means 'even only for an inch of the ground, I shall defend it with my life'. In the sense that the community does not give up the land that has been managed since their ancestors to be transferred for the sake of airport development. This has made the community members rejected the existence of the airport and involved in the conflict which resulted in the absence of agreement in the negotiations.

The writer concluded that the lack of agreement in the negotiations was caused from the start between the affected community members and the local government that there had been tension and conflict, namely the local government supported the construction of the airport with all the consequences. On the other hand, residents of affected communities have seen the struggle to confront government officials to stop development projects.

The lack of agreement in the negotiations was also caused by the land data collection process, where the difference in land area between those stated in the proof of land ownership and the area of land resulted from verification and repair. The same thing was conveyed by Supri as follows "that the land measurement carried out by the National Land Agency, the result was smaller than the land area stated in the land certificate thus it resulted in the size of the compensation that will be received, this made the community members disappointed."

In the Regulation of the Head of the National Land Agency Number 5 of 2012 Article 18 paragraph (6) states that in the event of a difference in the size of the land stated in the proof of land ownership and / or ownership of land with the area of land as a result of verification and repair, then the basis for providing compensation is the results of the verification and correction. On the basis of the results of the inventory and improvements used in determining the provision of compensation, the affected community feels that they are treated unfairly and are disadvantaged, this is one of the reasons for the community's objections because differences in land area will affect the size of the amount of compensation received.

This is in accordance with Sarjita's writing, namely that sociologically, conflicts that occur in society can be caused by several things. One of them is that there is an attempt to dominate and harm thus the party to be controlled or disadvantaged will put up a resistance. (Sarjita, 2005: 30)

The writer concludes that due to the absence of a universal assessment standard in the land data collection process, the affected community members feel that they are treated unfairly and are disadvantaged. In deliberations to overcome barriers to land acquisition, namely unclear factors in determining compensation and relocation. Regarding the unclear determination of compensation and relocation of affected residents, this is not in accordance with Article 9 paragraph (2) of Law Number 2 of 2012 concerning Land Acquisition for Development for the public interest which

explains that land acquisition for the public interest is carried out by granting compensation of a fair and proper exchange.

The Kulon Progo Regional Government hopes that when there is a relocation and land compensation, it can improve the welfare of the community. Not only the problem of compensation and relocation of land belonging to the community, but the Regional Government of Kulon Progo Regency will also provide assistance to the community in utilizing relocation land and land compensation costs to meet their daily needs. If in the compensation stage there are problems, Kulon Progo Regional Government asks the community to take part in the process of paying compensation on a consignment or depositing money at the Wates District Court.

Based on the results of the interview, the writer concluded that the lack of negotiating agreements was caused by the compensation system which was considered to be detrimental to land acquisition, compensation, and resettlement or relocation that was unclear, the government's attitude was unfair and lacked attention to the welfare of the community.

Based on the results of the deliberations, the lack of agreement in an effort to overcome these land acquisition obstacles resulted in a jamming of the airport construction making other efforts were still needed to reduce the parties involved in the land acquisition process so that no party felt disadvantaged.

b. Mediation

Efforts to overcome obstacles to the land acquisition process in the construction of an International Airport in the Special Region of Yogyakarta, apart from using deliberation, also by means of mediation. Mediation, according to Ralf Dahrendorf, is a process of resolving conflicts between two or more parties through negotiation or by means of consensus with the help of a neutral party (third party) who does not have the authority to decide. Mediation is a simple and practical effort in resolving disputes which is preceded by finding and meeting problem-solving agreements assisted by someone or more as an intermediary who is neutral and only functions as a facilitator. The final decision rests with the disputing parties as outlined in a joint decision. Dispute resolution through this form, upon the agreement of the two disputing parties, the problem will be resolved through the help of someone or an expert advisor or through a mediator. (Sarjita, 2005 : 30)

The parties to a dispute may consist of one or more people, in this case the party that has a role as a mediator is an integral part of the disputing parties and is impartial. In this case the mediator only facilitates the parties and the disputing parties themselves propose a solution. The mediator is an intermediary (liaison or mediator) for the disputing parties (Absori and M Mahdi, 2016). In this case the mediator does not have the authority to decide disputes between the parties. However, in this case the parties seek the mediator to help them resolve the problems between them (Absori and M Mahdi, 2016). Mediation as a form or method of dispute resolution can be found in several laws and regulations in various forms of dispute contexts. One of them is mediation for land dispute resolution (Absori, 2014).

The alternative dispute resolution model according to Jhon Burton is closer to the settlement model known as settlement of dispute, in which there is authority and law, which can be requested by the parties by the mediator group to be implemented. In this sense the traditional approaches to dispute management and arrangement are generally based on mediation and negotiation. This approach will only work if the disputing parties agree to negotiate and have something concrete to offer (Absori, 2014)

Alternative dispute resolution models with mediation according to C.W. Moore is described as an intervention in a dispute or negotiation by a third party that is acceptable, impartial and neutral, does not have the authority to make decisions in helping the disputing parties in an effort to reach an agreement voluntarily in resolving issues disputed by the parties. (CW Moor in Absori et al., 2008) The objective of dispute resolution through mediation is first, to produce a future agreement plan that can be accepted and implemented by the disputing parties. Second, prepare the disputing parties to accept the consequences of the decisions made. Third, reduce concerns and other negative impacts of a conflict by helping the disputing parties to reach a consensus resolution (Joni Emerson, 2001).

Based on the results of the research and the results of interviews with respondents, it was concluded that the lack of agreement in conducting mediation was caused by members of the community being treated as passive victims who were unable to negotiate to protect their own interests. In addition, the government lacks transparency and displays policies that appear to be forced and does not respect existing land and resource rights.

c. Consignment

Efforts to overcome obstacles to the land acquisition process in the construction of an International Airport in the Special Region of Yogyakarta, in addition to deliberation and mediation methods, the consignment method is used, namely the deposit of compensation at the district court in the land acquisition area, namely at the Wates District Court. The most difficult problem in land acquisition for development is when an agreement cannot be reached between the community or land owner and the government and the constructing party.

In the provisions of Presidential Decree Number 36 of 2005 as amended by Presidential Decree Number 65 of 2006, it is possible to revoke rights to land that will be used for development (Sumaryati Hartono, 1988: 255)

Consignment can only be applied to provide compensation for land acquisition carried out by the government for development, provided that there is indeed an agreement between the two parties who need the land and the land rights holder. Consignment mechanisms as an alternative to conflict resolution in land acquisition often led to government arbitrariness in taking community land rights. The arbitrariness is seen in the consignment system of compensation money to the district court and considers that its obligations in land acquisition have been completed which then has the authority to carry out development in that place.

When viewed from the existence of a consignment agency in the Civil Code, that there are provisions in the Civil Code that consignment is a method used by the debtor to pay off his contractual debt by means of a cash offer followed by depositing the object of the debt to the district court. This occurs because the creditor is negligent or does not accept the amount of payment by resulting in an agreement with the creditor. This arrangement is in accordance with Article 1381 of the Civil Code in which consignment or deposit of money to the Court is a way to abolish the engagement. The offer of cash which is followed by the deposit is also possible for agreements whose objects are money and movable objects.

Article 1408 of the Civil Code states "as long as what is deposited is not taken by the debtor, the debtor can take it back, in that case the people who are in debt and the guarantor of the debt are not released". Based on these provisions, that land acquisition is essentially a legal sale-purchase relationship that falls within the scope of civil society. In

principle, civil relations consist of an agreement between the two parties. This agreement is the law that binds the various parties.

In the provisions of law No.2 of 2012, it is stated that the deliberation to determine the compensation shall be carried out by the entitled land agency within a period of 30 working days from the time the appraiser's assessment results are submitted to the land agency to determine the form and amount of compensation based on the results of the compensation assessment to the parties entitled to be included in the minutes of the agreement. In the event that no agreement is reached regarding the form of compensation or the amount of the loss, the objecting party may file an objection to the local district court no later than 14 (fourteen) working days after the deliberation to determine the compensation is carried out.

Based on this law, it appears that the consignment agency applied in the Civil Code which is used as a reference for depositing money to the court in land acquisition cannot be applied in land acquisition. This is because it is not in accordance with what is required by the Civil Code. Disagreements in deliberation cannot be used as an excuse to negate community land rights. This action will lead to government arbitrariness as an important party in land acquisition. According to Bodi Harsono, with the consignment, it seems as if the people who are being sued there are only options that can be changed to court or will lose their land without compensation (AP Protection, 1993: 47). Furthermore, AP protection reveals that it is not possible for people who do not receive compensation money (AP Protection, 1993: 47).

The attitude of the government that considers depositing money to a district court must do what is requested which is approved. Government actions that do not care whether the community will take compensation or do not reflect actions that lack good faith because citizens who object to the amount of compensation are forced to accept the compensation set by the government.

Consignment according to Law Number 2 of 2012, is used when a party refuses the amount of compensation, the owner is not known or the object is in a case. The consignment method applied in land acquisition for the construction of an international airport in the Special Region of Yogyakarta is said to be less successful because it is proven that there are still around 37 families who have not taken compensation.

This is the same as the Kedung Ombo case that occurred in 1989 in Solo. According to Absori, residents rejected the eviction and transfer as well as consignment due to the small amount of compensation provided. As a result, there were still some families who have not taken compensation.

This is understandable because the factor is not appropriate for compensation received, the community feels aggrieved by these conditions. This is not in accordance with the results of Absori's research on the construction of Adi Sumarmo Airport in Solo in 1994 which concluded that the community did not protest against the stipulation of compensation, some even asked for their land to be freed and in fact the community was happy as long as the compensation was adequate.

Based on data in the field, interviews, research results, and the substance of Law No. 2 of 2012 concerning land acquisition for development in the public interest, the researcher concludes that with the consignment system, government action does not care whether the community will take compensation or does not reflect actions that are not in good faith because community members who object to the amount of compensation are forced to accept compensation. losses determined by the government

thus Law no. 2 of 2012 is detrimental to the affected community and does not respect the rights of the community and does not realize social justice.

CONCLUSION

The obstruction of the land acquisition process in the construction of an international airport in the Special Region of Yogyakarta is caused by several factors, namely: The affected community members are afraid of losing their livelihoods or employment opportunities, differences in perceptions and differences in interests between the community and the government in utilizing agricultural land, termination of social relations, determination of compensation that is deemed inadequate, and unclear land data collection. Of the several factors causing the obstruction of land acquisition, the dominant influence is the factor of fear of losing their livelihoods or jobs and the factor of determining compensation which is deemed inappropriate. This is due to these two factors, apart from being a guarantee of survival and supporting the family's economy, it can also affect the members of the affected community in regaining their previous standard of living and dignity.

Efforts to overcome obstruction of land acquisition in the construction of an international airport in the Special Region of Yogyakarta based on Law no. 2 of 2012 concerning land acquisition for development in the public interest. Land acquisition dispute resolution is carried out through negotiation, mediation and consignment. The method of negotiation and mediation that was carried out resulted in a lack of agreement because there are some members of the community who are not agreeing with the decisions made on the field that compensation and land data collection are not appropriate. As for the consignment method applied, it seems that the affected community members are forced to accept the compensation set by the government thus there are still 37 families who have not taken compensation in court. Law Number 2 of 2012, which is the basis for resolving land acquisition disputes, is deemed to have paid less attention to community rights and does not reflect social justice.

REFERENCES

- Absori, 2014. *Hukum Environmental Dispute Resolution, an Environmental Resolution Method with a Participatory Approach*. 2014.
- AP Perlindungan. *Revocation and Discussion of Comparative Land Rights*. Bandung: Mandar Maju, 1993.
- Absori Khuzafah Dimyati, Kelik Wardiono, “ Environmental Dispute Resolution Model through Alternative Institutions”. *Mimbar Hukum*, Volume 20, Number 2 (June 2008).
- Absori et al, *Environmental Dispute Resolution Model through Alternative Institutions*. *Legal Forum*, Volume 20, Number 2, (June 2008)
- Absori and M. Mahdi, *Alternative Dispute Resolution (ADR) for Environmental Pollution Dispute Resolution: A Case Study in Wonoyoso Village, Pekalongan Regency, Postgraduate Program in Law, Muhammadiyah University of Surakarta*, 2016
- Ade Arif Firmansyah and HS. Tisnanta, “Lan Acquistition In Accelerating and Expansion of Indonesia’s Economic Development Program: A Review of Law, Moral and Politic Relation”, *South East Asia Journal of Contemporary Business, Economics and Law*, Vol.7, Agustus 2015.

- Ade Arif Firmansyah, HS. Tisnanta, FX. Sumarja, Fathoni, "Law design of Institutions Coordination as an Efforts to Harmonize Policy Housing Development Around the Airport in Indonesia", *South East Asia Journal of Contemporary Business, Economics and Law*, Vol. 11, Issue 4, December 2016.
- Batter Bury, S. dan Ndi, F.A (2017). "land Grabbing and The Alis Of Political Conflict" *Inshigt Forum South West Comerom. Africa Spectrum*" Vol. 52. (1).
- C.T. Akujabi, et al., "*Amble Land Resource Conflict in Nigeria*". *Journal of Applied Science and Development*, Volume 7 No. 1-2 October 2016.
- Benard Limbong. 2015. *Land Acquisition for Development*. Jakarta: Margareta Pustaka.
- George Ritzer. *Contemporary Sociological Theori*". New York: Alfred A, Kuop, 1988.
- Frank vaneley, "Proces Inducement and Resentment: From impoverishment Risk to an Opportunity for Development" *Journal Impact Assessment and Project Appraisal*, Vol. 35 2017.
- Guild, J. 2019. "Land Acquisition in Indonesia and Law No. 2 of 2012." ADBI Working Paper 1036. Tokyo. Asian Development Bank Institute. Available: <https://adb.org/publications/land-acquisition-Indonesia-and-law-no-2-2012>.
- Habibullah Magsi dan Andre Torre, 2013. "Apophis to Understand Land Use Conflicts in The Developing Countries, *The Macrotrend Review*", Vol 2 Issue. 1, January 2013.
- Hery Listyawati dan Sulastriyono, "The Study of Conflict in Land Acquisition for the Development of Alai-Bypass Stunami Evacuation Routes in the City of Padang", *Legal Forum*, Vol 26, No. 1, February 2014.
- Hendro Prabowo, Legal pluralism and land tenure in DIY, *Legal Forum* No.48/X/2004
- Hadimulyo. *Consider ADR Out-of-Court Dispute Resolution Alternative Studies*. Jakarta: ELSAM, 1997.
- Joni Emirzon. 2001, *Alternative Out of Court Dispute Resolution (Negotiation, Mediation, Conciliation and Arbitration)*, PT. Gramedia Pustaka Utama. Jakarta.
- Maria S.W Sumardjono, 2001, *Land Policy Between Regulation and Implementation*, Jakarta, Book Publisher: Kompas
- Peter Mahmud Marzuki. *Legal Research*. Jakarta: Kencana, 2008.
- PJ.Suwarno, 1994, *HB IX And the Yogyakarta Government Bureaucratic System 1942-1974*. Kanisius, Yogya
- Sanafiah Faisal. *Qualitative Research. Basics and Applications*. Malang: YA3.1990.
- Sarjita, 2005, *Land Dispute Resolution Techniques and Strategies*, Yogyakarta : Tugu Jogja
- Soerjono Soekanto and Sri Mamuji. 2010. *Normative Legal Research. A Brief Overview*, Jakarta, Raja Grafindo Persada.

- Soerjono Soekanto. *Introduction to Legal Research*. Jakarta: UI Press, 1982.
- Sumaryati Hartono. *Economic Law. Indonesia*. Jakarta: BPHN. Binacipta, 1988.
- Umar Said Sugiarto, et al. *Land Acquisition Law*. Malang: Setara Press, 2015.
- Wiradi Gunawan. *Agrarian Reform. The Journey That Hasn't Ended*.
- Lombard, Melanie, "Land Conflict in Peri-Urban Areas: Exploring the Effect of Land Reform on Informal Settlement in Mexico" *Urban Studies Journal Limited*, Volume 53, Number 13, 2015.
- Magsi et al. (2017). *The Pakistan Development Review* 56:1 (Spring 2017)
- Me Carty, Jhon F, et al., "Trajectories of Land Acquisition and enclosure: Development Secerns, Virtual land Grabs and Orena Acquisition in Indonesia's Antese Island", *The Journal of Reacsen Studies*. Vol 39, No 2, April 2012.
- Muazzam Sobir, Andre torre dan Habibullah Magsi (2017), "Land Use Conflict and Socio Economic Impacts of Infrastructure Projects: The Case of Diamer Bhasha Dam in Pakistan, Area Development and Policy ". Vol 00, 2017
- Murhaini, S & Ludang, Y, 2020, "Sociological Aspects of Transferred Land to Settlements in Indonesia", *Internasional Journal of Management (IJM)*
- Mulyadi, et al., "The Legitimacy of Onoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua", *Media Hukum*, Vol. 26, No.1, June 2019.
- Ni'matul Huda, several obstacles in resolving the legal status of the Former Swapraja Land in DIY. *Legal Journal No.13 Vol 7*. 2000. FH-UII. Yogyakarta
- Nurhasan Ismail, Placing the Reality of Local Land in the Privileges Bill of DIY. *Legal Forum*, No.43/2.FH-UGM 2003
- Nyandaro Mteki, Takehiko Murayama & Shigeo Nishikizama, (2017), "Social Impacts Induced by a Development Project in Tanzania: A Case of Airport Expansion, Impact Assessment and Project Appraisal", Volume 35, Nomor 4, 2017.
- Nurhasan Ismail, Placing Local Land Reality in the Specialization Bill of DIY. *Legal Forum*, No. 43/2 FH-UGM 2003
- Olima W, Syagga P. "The Impact of Compulsory Land Acquisition on Displaced Household: The Case of The Third Nairobi Water Supply Project, Kenya", *Habitat Int*. Volume 20, Nomor 1, 1996.
- Pahlevi, "Analysis of Forms of Legal Disputes over Land According to Legislation in the Field of Agria ", *Academic Forum of Legal Magazine*, Vol 25, (March 2014)
- Rizki Fatahillah, *Airport Development Plan for Everyone's Interests*. Articles on this theme are included in the document of all actions and advocacy (SAKSI), Yogyakarta, LBH Yogyakarta, June 2016.
- Rognes and Sky, "Intervention Methods in Land Disputes", *European Planning Studies*. Vol 11, 2008 Issue 8, 2003.
- Sunardi, Budhi Gunawan, Jagath Manatuge & Fifi Dwi Pratiwi, "Livelihood status of resettles affected by the Saguling Dam project, 25 years after

- inundation”, *International Journal of Water Resources Development*, Volume 29, Nomor 1, 2013.
- Siddik, et al. “Causes and Consequences of Land Disputes in The Coastal Area of Bangladesh”. *Eastern Geographer*, Vol:XXIV, No.2, January 2018.
 - Singgir, et al. “Factors Causing Land Conflict and The Role of Government in Settling the Conflict in West Papua Province, Indonesia: A Case Study in Maybrat Regency”. *Scholars Journal of Economics, Business and Management (SJEEM)*, Volume 5, Nomor 8, August 2018.
 - Soengeng Istanto, Surakarta Palace Land. *Legal Forum* No.41/VV/2002. FH-UGM, Yogyakarta
 - W.J. Kombe (2010), “Land Acquisition for public Use, Emerging Inflation and Their Socio-Political Implications,” *International Journal of Urban Sustainable Development*, Vol. 2, November
 - Yu Zhei, 2019, “Review on the Social Conflicts of Land Acquisition and Demolition and its causes in China: From the perspectives of Stakeholders and institutions” IOP Publishing.
 - *Kedaulatan Rakyat*, “In the Next Five Years, 300 Hectares of Rice Fields will Change Function”, 30 August 2016.
 - *Kedaulatan Rakyat*, “Jogja Forms New Airport.” 10 September 2016

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-
- 5 O B Gultom, B Ginting, M Y Lubis, T K D Azwar, M P J Pasaribu. "Repercussions of agricultural land conversion policy on food security in Indonesia", IOP Conference Series: Earth and Environmental Science, 2021
21 words — < 1%
Crossref
-
- 6 F Rachman, M C Satriagasa, W Riasasi. "Economic impact studies on development project of New Yogyakarta International Airport to aquaculture in Kulonprogo Coastal", IOP Conference Series: Earth and Environmental Science, 2018
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Crossref
-
- 7 Rosmidah Rosmidah, Dony Yusra Pebrianto. "Transparency Principle on Land Acquisition for Agrarian Justice", Jambe Law Journal, 2020
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