

## **Principles of Justice for Compensation for Land**

### **Procurement in Tamansari 11 Bandung City**

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#### **ABSTRACT**

Land acquisition is an activity carried out by the government in providing land by providing appropriate and fair compensation to parties who Affected In land acquisition for development in the public interest, there are principles that must be met, one of which is the Principle of Justice, which is based on the explanation of Article 2 letter b of Law No. 2/2012 that the "principle of justice" is to provide a guarantee of proper compensation to the Entitled Party. in the Land Acquisition process so that they get the opportunity to be able to carry out a better life. The government needs to apply the principle of the principle of justice in the context of compensation to the community whose land is needed for the public interest. However, unfortunately it turns out that the compensation provided by the Government to the residents of Tamansari 11 is deemed unfair, which means the Government should be able to provide compensation that is much more appropriate, taking into account that they have lived in the area for more than 20 years and that is where they can also get compensation. income from the livelihood they have, for example trading, then making the house as a boarding house and so on. The problems that occur in compensation for land procurement in Tamansari 11, Bandung City are based on DPKP3 Decree Number 538.2/1325a/DPKP3/2017 and the principle of justice for compensation for land acquisition in Tamansari 11, Bandung City. To answer this research, the analytical methods used are normative and qualitative. The results of this study that the principle of justice against compensation for land acquisition in Tamansari 11 Bandung City has not been achieved where this occurs because the Bandung city government does not carry out land acquisition procedures, namely deliberation to determine compensation as based on Law Number 2 of 2012.

**Keywords:** Principle Justice, Compensation, Land Acquisition.

#### **1. INTRODUCTION**

Indonesia is a developing country that applies the legal basis in every development. According to Aristotle, the rule of law is a state that stands and is based on law that guarantees justice for its citizens (Yahman and Nurtin Tarigan, 2019). Based on the basic constitution of the State of Indonesia, namely the 1945 Constitution of the Republic of Indonesia that the objectives of the Republic of Indonesia are: "to protect the entire Indonesian nation and the entire homeland of Indonesia, and to promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, lasting peace and social justice." (Indonesia, 1945) So it can be seen that the State of Indonesia has a goal, one of which is to realize social justice.

In the context of realizing social justice in terms of controlling land, the Government stipulates in Article 33 paragraph (3) of the 1945 Constitution "That the earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people. Especially with regard to the earth's surface, the land is one of the factors to realize the welfare of the people." because land is one of the sources of welfare for the community, it requires state intervention as the highest community organization.



As stated in Law Number 5 of 1960 concerning Basic Agrarian Regulations (hereinafter referred to as UUPA) Article 2 paragraph (1) states that on the basis of the provisions in Article 33 paragraph 3 of the Constitution and the matters referred to in Article 1 At the highest level, the earth, water and space, including the natural resources contained therein, are controlled by the State, as an organization of power for the entire people. The government as the organizer in the state must act wisely in the use and use of land fairly and well in accordance with the main goal of the rule of law, namely social justice. The government authorities in the land sector are: (Santoso, 2011)

1. Regulating and administering the designation, use, supply, and maintenance of earth, water, and space
2. Determine and regulate legal relations between people and earth, water, and space.
3. Determine and regulate legal relations between people and legal actions concerning earth, water, and space.

On the basis of the right of control from the State, various types of land rights are determined, which can be given to and owned by people, either alone or together with other people and legal entities. The rights to the land are property rights, cultivation rights, building rights, use rights, lease rights, land clearing rights, forest product collection rights, and other rights. All land rights have a social function, this means that any land rights that exist in a person cannot be justified, that the land will be used or not used solely for his personal interests (Indonesia, 1960). In the public interest, land rights can be revoked by providing appropriate compensation and according to the method regulated by Law Number 2 of 2012 concerning land acquisition for development in the public interest.

Land procurement is an activity carried out by the government in providing land by providing appropriate and fair compensation to the affected parties (Indonesia, 2012). In land acquisition for development for the public interest, there are principles that must be met, one of which is the Principle of Justice, which is based on the explanation of Article 2 letter b of Law No. 2/2012 that the "principle of justice" is to provide a guarantee of proper compensation to the Entitled Party in the process. Procurement of land so as to get the opportunity to be able to carry out a better life.

Land acquisition activities for development purposes are theoretically based on certain principles/principles and are divided into two subsystems:

- 1) land acquisition by the government for public interest;
- 2) land acquisition by the government because it is not in the public interest (commercial).

In essence, land acquisition is an act of the government to acquire land for the public interest which is pursued based on deliberation to reach an agreement regarding the relinquishment

of rights and compensation prior to the revocation of rights. The results of this deliberation then become the basis for the payment of compensation (Subekti, 2016).

Developments that occur in Indonesia are seen increasing in number, such as the construction of hospitals, train stations, places of worship, widening of roads and so on, making land as the main object. For this reason, there are not a few conflicts that occur regarding compensation due to land acquisition used for the public interest, on the grounds that the party who has the right to the land assumes that the price given by another party, in this case is the party who needs the land (the Government). too low.

Without land development it will only be a plan, therefore efforts to procure land for these purposes, especially for the public interest, need to be handled as well as possible and still pay attention to the use of land which must be adapted to the circumstances and nature of the rights so that they are beneficial for both welfare and happiness. who have it and benefit the community and the State. Because it needs to be remembered together that land in addition to having economic value, also has a social function. Article 1 paragraph (3) of the Supreme Court Regulation Number 3 of 2016 concerning Procedures for Filing Objections and Depositing Compensation to the District Court in the Procurement of Land for Development in the Public Interest, states that "compensation is a proper and fair compensation to the party entitled to land acquisition process.

This means that the government needs to apply the principles of justice as best as possible in the context of compensation to the community whose land is indeed needed for the public interest. But unfortunately it turns out that the compensation provided by the Government to the residents of Tamansari 11 is deemed unfair, which is why the Government should be able to provide compensation that is much more appropriate, taking into account that they have lived in the area for more than 20 years and that is where they can also earn income. from the livelihood they have, for example trading, then making the house as a boarding house and so on.

Based on what has been described above, the authors examine more deeply related to the principle of Justice for Compensation for Land Procurement in Tamansari 11, Bandung City.

## **2. RESEARCH METHOD**

Legal research is a scientific activity based on certain methods, systematics, and thoughts that aim to study certain legal phenomena by analyzing them, and then seeking a solution to the problems that arise in the symptoms in question. (Soekanto, 2007). Method The approach method used in this research is a normative juridical approach. Normative legal research is carried out by examining library materials which are secondary data and is also known as library law research. (Soemitro, 1990) According to Soerjono Soekanto, the normative juridical approach is legal research conducted by examining library materials or secondary data as the basic material for

research by conducting a search on regulations and literature related to the problem being studied. (Soekanto & Sri Mamudji, 2001).

The approach used in writing is the approach to legislation used to determine the concept of land, legal regulations regarding the process of land acquisition for development in the public interest. While the case approach is used to find out and understand how the applicable regulations are related to problems that are happening in the Tamansari 11 area of Bandung City which will be discussed by the author in this study.

### **Research Specifications**

This research is a descriptive analysis research which is an explanation of legal facts which are then analyzed systematically. In this case, it discusses and analyzes the principle of justice for compensation for land acquisition in Tamansari 11, Bandung City.

### **Data Collection Methods and Techniques**

Collection method used in this research is *Library Research*. Literature study was conducted by collecting secondary data. Secondary data that will be used in this paper include:

- 1) Primary legal materials, namely legal materials that have binding power, including: the 1945 Constitution, Law Number 5 of 1960 concerning Basic Agrarian Regulations, Law number 2 of 2012, Presidential Regulation number 71 of 2012, Presidential Regulation number 40 of 2014, Presidential Regulation number 99 of 2014, Presidential Regulation number 30 of 2015, and Presidential Regulation number 148 of 2015.
- 2) Secondary legal materials, namely legal materials that provide an explanation of primary legal materials, consisting of:
  - a. Indonesian Agrarian Law Book.
  - b. Book on Land Procurement for Development for Public Interest
  - c. Books on Public Interest
  - d. Books on Legal Protection
  - e. As well as other sources; official websites and websites related to land acquisition cases in the Tamansari area 11
- 3) Tertiary legal materials, namely other materials that have relevance to the subject matter that provide information on primary legal materials and secondary legal materials, such as encyclopedias, dictionaries, articles, newspapers, and the internet. In this study, the author will use the internet to find data and information related to land acquisition for development in the public interest in order to complete primary legal materials and secondary legal materials.

### **Data Collection Techniques**

In this case the author uses data collection techniques legal materials in the form of:



- a. Interviews with residents of Tamansari RW 11 Bandung City, Tamansari Village, Bandung City National Land Agency, Department of Housing and Settlement Areas, Land and Parks in Bandung City, Bandung City Spatial Planning Service.
- b. Document or library studies by searching, taking an inventory and studying the laws and regulations and other primary data related to the problem under study.

### **Method of Analysis**

According to Soerjono Soekanto, analysis can be formulated as a systematic and consistent decomposition process of certain symptoms. (Soekanto, 1982) As a way to draw conclusions from the research that has been collected here, the author as an analytical instrument, will use a qualitative normative analysis method. In normative legal research, data processing is carried out by systematic way of written legal materials. Systematic means making a classification of these legal materials to facilitate analysis and construction work. (Soekanto, 2007). Qualitative research is a research model originating from social science to examine social problems and phenomena in depth by not using numbers and statistical formulations, which is carried out in various ways such as observation whether involved or not, experimental group, documentary analysis, and so on. (Fuady, 2018).

### **3. RESULTS AND DISCUSSION**

#### **Compensation for Land Procurement in Tamansari 11 Bandung City Based on DPKP3 Decree Number 538.2/1325a/DPKP3/2017**

According to Article 1 point 2 of Law Number 2/2012 concerning land acquisition for development in the public interest, land acquisition is an activity to provide land by providing appropriate and fair compensation to the entitled party. The entitled party is the party that controls or owns the object of the procurement of underground land, buildings and plants, objects related to land, or other things that can be assessed. (Ernis, 2015)

Procurement of land for development in the public interest contains several principles that must be considered and adhered to so that its implementation achieves the goal for the greatest prosperity of the people, including:

#### **a. The Principle of Deliberation**

Even though land acquisition is carried out for the public interest, its implementation must be based on deliberation between the government agency that will develop the land and the owner or ruler of the land. (Ernis, 2015)

#### **b. Principle of Public Interest**



Land acquisition is only carried out for the public interest, if the development activity is not in the public interest, then the person concerned must take care of his own interests Land acquisition is only carried out for the public interest, if the development activity is not in the public interest, then the person concerned must take care of his interests alone. (Ernis, 2015)

**c. The principle of relinquishing or surrendering land rights**

Since land acquisition cannot be forced, its implementation must be based on the relinquishment of land rights from the rights holder. to the country to be built. (Ernis, 2015)

**d. The Principle of Respect for Land Rights**

Every land acquisition must respect the existence of land rights that will be used as a place of development. Therefore, any land rights, whether certified or not, or customary land, must be respected. (Ernis, 2015)

**e. Principle of Compensation**

Land acquisition is mandatory on the basis of providing appropriate compensation to the right holder based on an agreement in the principle of deliberation. There is no land acquisition without compensation. Therefore, the provision of compensation must be able to increase the welfare of the waiver economically.

**f. Principles of Spatial Planning**

Since development in the public interest is aimed at the greatest prosperity of the people, its implementation must comply with local spatial planning. (Ernis, 2015)

Law Number 2/2012 concerning land acquisition for development in the public interest provides protection to the community as regulated in Article 16 of Law Number 2/2012 which states that agencies that require land based on land acquisition planning documents carry out notification of development plans, initial data collection the location of the development as well as public consultation on the development plan. This planning notification is made to the community affected by the development plan for the public interest, either directly or indirectly. (Indonesia, 2012)

Furthermore, the initial data collection on the location of the development plan includes the initial data collection activities of the Entitled Parties and Land Acquisition Objects within a maximum of 30 working days from the notification of the development plan and the results of the initial data collection on the location of the development plan used as data for the implementation of the Public Consultation on the development plan. . (Indonesia, 2012) Public Consultation on the development plan is carried out to obtain an agreement on the location of the development plan from the Entitled Party by involving the Entitled Parties and the affected community and carried out at the place of the development plan in the Public Interest or at the agreed place within a

maximum period of 60 days. work. As well as providing appropriate compensation to parties affected by land acquisition. (Indonesia, 2012)

In a land acquisition, especially for the public interest, it is closely related to compensation. Compensation is a proper and fair compensation to the rightful party in the land acquisition process. regarding forms of compensation in land acquisition for the public interest are in Article 36 of Law Number 2 of 2012 which stipulates that compensation can be given in the form of:

1. money;
2. Substitute land;
3. Resettlement ;
4. Shareholding; or
5. other forms agreed by both parties

. Based on Article 17 paragraph (2) of Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, parties entitled to receive compensation include:

1. Holders of land rights;
2. Management holder;
3. Nadzir for waqf land;
4. Owners of ex-customary land;
5. Indigenous peoples;
6. Parties who control State land in good faith;
7. Holders of basic land tenure; and/or
8. Owners of buildings, plants, or other objects related to land.

In this case, the Bandung City Government provides compensation for land acquisition for the public interest in the Tamansari 11 area, this is stated in the Decree of the Head of the Department of Housing and Settlement Areas for Land and Parks. City of Bandung (SK DPKP3) Number 538.2/1325A/DPKP3/2017 regarding the determination of building compensation, relocation mechanism and implementation of the construction of the Tamansari row house for the 2017 fiscal year which was set on 26 September 2017 stipulates: (Bandung City, 2017)

- **First** : calculation of compensation resettlement is only calculated for the building owner, not for the head of the family;
- **Second** : Identity cards and family cards issued by the Bandung City Government which are recognized for compensation and relocation schemes only those that were printed before 2012 and are still valid, and the so-called RW 11 are residents of RW 11 Tamansari Village, Bandung Wetan District, Bandung City;



- **Third** : Residents of RW 11 who get priority in the tenement of the Tamansari row house will be given a lease discretion, which is exemption from rent for a maximum of 5 (five) years. The determination of the residents of RW 11 above will be stipulated in the Decree of the Mayor of Bandung. Building details will be carried out to verify the data of residents of RW 11 which will be specified in the Mayor's decree regarding priority residents of the Tamansari row house. The distribution of priorities for residents' rights to reoccupy the Tamansari row house is based on several considerations:
  - a. Priority I: building owners who have KK and KTP residents of RW 11 Tamansari Village, Bandung Wetan District, Bandung City and are married, have a land lease permit from the Bandung City Government until 2010, or their heirs who are entitled if the owner has died;
  - b. Priority II: building owners who have KK and KTP residents of RW 11 Tamansari Village, Bandung Wetan District, Bandung City and are married, but do not have a land lease permit from the Bandung City Government;
  - c. Priority III: biological children/heirs of priority I who have KK and KTP residents of RW 11 Tamansari Village, Bandung Wetan District, Bandung City but do not have a land lease permit from the Bandung City Government, and are already married;
  - d. Priority IV: biological children/heirs of priority II who have KK and KTP residents of RW 11, Tamansari Village, Bandung Wetan District, Bandung City, and are already married;
  - e. Priority V: building owners who do not have KK and KTP residents of RW 11, Tamansari Village, Bandung Wetan District, Bandung City, are married and have low income;
  - f. Priority VI: Bandung City residents who are married and are classified as low-income people;
- **Fourth** : The scheme for the amount of residential rent for residents affected by the construction of the Tamansari row house is determined until it is redefined by the Mayor, which is divided into:
  - a. The type 33 residential unit is intended for residents who own/live in the previous building with an area of 10 m<sup>2</sup> to 40 m<sup>2</sup>, after the lease is enforced (the lease waiver period has expired) with a rental amount of Rp. 336,195,-/month and deducted by a large rent of Rp. 10,000,- per floor above:
    - a) Floor 1: Rp. 336,195,-/month
    - b) 2nd floor : Rp. 326,196,-/month
    - c) Floor 3: Rp. 316,196,-/month
    - d) Floor 4: Rp. 306.196,-/month
    - e) 5th Floor : Rp. 296,196,-/month and
    - f) 6th Floor : Rp. 286,196,-/month



- b. Residential unit type 39 is intended for residents who own/live in the previous building with an area of 41 m<sup>2</sup> and above, after the lease is enforced (the lease waiver period has expired) with a rental amount of Rp. 397,215,-/month and minus rent of Rp. 10,000,- per floor above it;
  - a) Floor 1: Rp. 336,195,-/month
  - b) 2nd floor : Rp. 326,196,-/month
  - c) Floor 3: Rp. 316,196,-/month
  - d) Floor 4: Rp. 306.196,-/month
  - e) 5th Floor : Rp. 296,196,-/month and
  - f) 6th Floor : Rp. 286,196,-/month
- **Fifth** : Temporary relocation of residents affected by the construction to the Rancacili Cylinder Apartment will be accompanied by the Bandung City Government Regional Apparatus Organization unit with the division of tasks including:
  - a. Regional officials as well as the Department of Housing and Settlement Areas, Land and Parks of Bandung City for recording and administering residents;
  - b. Civil Service Police Unit, Bandung City Public Works Service, and Bandung City Transportation Service for providing transportation and securing residents;
  - c. Bandung City Transportation Service for traffic management and citizen escort;
  - d. Bandung City Fire Department for fire prevention and site cleaning;
  - e. Bandung City Health Office and Bandung City Indonesian Red Cross for health services;
  - f. Bandung City Social and Poverty Alleviation Service for basic supplies and public kitchens;
  - g. Bandung City Flats Technical Management Unit for site preparation at the Rancacili Rusunawa Complex;
  - h. With the available conditions, temporary storage areas will be provided for other furniture items that cannot be included in apartment dwelling units.
- **Sixth** : Provision of rental houses for residents affected by development is carried out with the following mechanisms:
  - a. Houses for rent are sought and determined by the residents themselves with a maximum assistance from the Bandung City Government of Rp. 26,000,000,- per year per building owner, resident of RW 11 (including tax);
  - b. The lease agreement is made between the owner of the house being rented and the Department of Housing and Settlement, Land and Landscaping, Bandung City;
  - c. The process of moving residents is carried out with the help of transportation facilitated by the Bandung City Government through the related OPD.

- **Seventh** : The provision of rental houses for residents affected by development is carried out by selection including:
  - a. Residents have children who go to school around the Tamansari Village with the scope of the Bandung Wetan District.
  - b. Residents have jobs around the Tamansari village with the scope of Bandung Wetan District.

Indonesia has several principles related to land acquisition for the public interest that need to be carried out by the Government, along with the understanding of these principles including the Principle of Justice based on Law Number 2/2012. (Indonesia, 2012)

1. Humanity means that land procurement must provide proportional protection and respect for human rights, dignity and worth of every citizen and resident of Indonesia.
2. Justice is to provide adequate compensation guarantees to the Entitled Parties in the Land Procurement process so that they get the opportunity to be able to carry out a better life.
3. Benefit is the result of Land Procurement capable of providing broad benefits for the interests of the community, nation and state.
4. Certainty is to provide legal certainty of the availability of land in the Land Procurement process for development and to provide guarantees to the Entitled Party to obtain appropriate Compensation.
5. Transparency is that Land Procurement for development is carried out by providing access to the community to obtain information related to Land Procurement.
6. The agreement is that the land acquisition process is carried out by deliberation of the parties without any element of coercion to obtain a mutual agreement.
7. Participation is support in the implementation of Land Procurement through community participation, either directly or indirectly, from planning to development activities.
8. Welfare is that Land Procurement for development can provide added value for the survival of the Entitled Party's life and the wider community.
9. Sustainability is development activities that can take place continuously, continuously, to achieve the expected goals.
10. Harmony is that land acquisition for development can be balanced and in line with the interests of the community and the state.

**Analysis of the Principle of Justice Against Compensation for Land Procurement in Tamansari 11 City of Bandung Based on DPKP3 Decree NUMBER 538.2/1325A/DPKP3/2017 Judging from Law No. 2 of 2012 concerning Land Procurement for Development for the Public Interest**

Community Community 11 Tamansari Village, Bandung Wetan District, Bandung City has total population of 1,159 with 334 families. (Bandung City, 2018) The Tamansari RW 11 area is part of a dense settlement in the Siliwangi valley which is directly adjacent to the Pasupati flyover and the Cikapundung river, with the majority being residential houses with other functions such as shop houses, boarding houses and rental houses with varying conditions from permanent , semi-permanent, to buildings that are inadequate in terms of health.

Conditions in the area of Tamansari 11 Bandung City:

1. Economy
  - a. Low-Income Communities (MBR).
  - b. The community's economic activities are dominated by the trade & service sector, the informal sector.
  - c. Unorganized economic activity
  - d. The local (micro) economy is marginalized
2. Environment
  - a. Solid building (minimal building distance).
  - b. The building faces the river.
  - c. The building violates the river border.
  - d. River pollution.
  - e. Groundwater exploitation.
  - f. The drainage system is not yet integrated.
  - g. Disposal of dirty water directly into the river.

The following is an overview of RW 11 Tamansari Urban Village, Bandung City, with the following boundaries:

1. North : Pasupati Flyover, Film Park, Residents' Housing.
2. East : Balubur Town Square.
3. West : Cikapundung River, Residential Housing.
4. South : Residential Housing.

If analyzed, the area of RW 11 Tamansari Village, Bandung City, namely:

**a. Land Climatology**

Like other locations in Bandung, the area of RW 11, Tamansari Urban Village, Bandung City has a tropical climate, having a large amount of rainfall throughout the year. This is true even for dry months. The temperature in the region averages 23.3°C. The average annual rainfall is 2164 mm.

**b. The morphology of the land**

area of RW 11 Tamansari Village, Bandung City is located on a land surface that has a fairly steep slope and is directly adjacent to the Cikapundung river.



**c. Achievement and accessibility**

This area can be accessed from Jalan Kebon Kembang, before reaching the area, residents will pass through the Balubur Town Square area.

Compensation needs to have justice, where this justice can be realized if both parties agree that what is given is worthy of being used as an effort to provide compensation. The State of Indonesia has several principles of land acquisition which are regulated in Law Number 2/2012, one of which is the Principle of Justice which is the focus of discussion in this study. In Indonesian, fair means equal, impartial, and impartial. Meanwhile, justice means the nature of being fair, impartial, appropriate and not arbitrary. Then in English the term "justice" is referred to by several terminology, namely, *justice, fairness, equity, and impartiality*. The term *justice* defined by "*the fair treatment of people, the quality of being fair or reasonable, the legal; system used to punish people who have committed crimes.*" (Hornby, 2000) From this understanding of justice, it shows that the meaning of justice itself is difficult to define with certainty. The point is that justice is a permanent will to be able to give to the parties as recipients of rights with each part. So justice itself gives each one his due and no more, but no less than his right.

Compensation in land acquisition for development for the public interest in Tamansari 11 Bandung City is not in accordance with what is regulated in Law Number 2/2012, where there are several stages that should be carried out by the Government such as the planning, preparation, implementation and submission of results by the City Government Bandung was not implemented, but the Bandung City Government issued SK DPKP3 Number 538.2/1325a/2017 first before conducting socialization to the public regarding planning and compensation to be received by the community which should have been carried out based on the results of deliberation and agreement by both parties.

Thus, the principle of justice is not created in the procurement of land for development for the public interest in Tamansari 11 Bandung City. Can it be said that it is fair only if the compensation provisions are determined by one party only, without involving other parties, in this case the Tamansari 11 community. In this case, the community is required to accept compensation that has been determined by the Bandung City Government unilaterally through the Housing and Housing Office? Settlement Areas, Land and Parks as stated in DPKP3 Decree Number 538.2/1325a/2017 regarding the Determination of Building Compensation, Regulatory Mechanisms and Implementation of the Development of Tamansari Row Houses for the 2017 Fiscal Year. their livelihood, it is not easy for them to be able to re-establish a business from 0 in a different place, because the business they have built in that area can help the heads of families to be able to support each member of their family.

The implementation of the revitalization of the row house construction in RW 11, Tamansari Urban Village, Bandung City is still hampered in the land acquisition process. where there are residents who still survive in the areas affected by the revitalization have not found an agreement with the Government and other problems that have hampered the revitalization process. On October 6, 2017 the Bandung City Government (DPKP3) held a socialization at Taman Sari Film Park, in this socialization the Bandung City Government confirmed that the provision of rental houses or transfers to Rancacili apartments for affected residents in Tamansari and priority of occupancy back to the Tamansari Row House with a rental period free occupancy for the first 5 years and then residents will pay the rental fee in accordance with the provisions stipulated in the Decree of the Head of Service. A free 5-year residence period can be sought in accordance with the regulations governing it (Perwal on relocation). The Bandung City Government also conveyed about the existence of commercial units in strategic locations for residents to do business such as riverbanks, the existence of areas for street vendors to conduct micro-enterprises, additional rooms that can be used as warehouses or study rooms for residents of RW 11.

#### **4. CONCLUSION**

Based on the description above, it can be concluded that the principle of justice against compensation for land acquisition in Tamansari 11 Bandung City has not been achieved where this occurs because the Bandung city government does not carry out land acquisition procedures, namely deliberation on compensation determination as based on Law Number 2 of 2012 concerning Land Procurement for Development for the Public Interest, this can be seen from the stipulation of SK DPKP3 NUMBER 538.2/1325A/DPKP3/2017 issued by the Department of Housing and Settlement, Land and Landscaping, Bandung City on September 26, 2017 while on October 6, 2017 the Bandung City government has only carried out socialization to the community regarding the determination of the compensation.

#### **Suggestions**

Conflicts between the two parties regarding compensation in land acquisition for the public interest have often occurred in Indonesia. This is because the principle of justice regulated by law is not implemented due to not reaching an agreement between the two parties. In this case, the Bandung City Government should have socialized it first with the Tamansari 11 community, as well as discussing the compensation that the Bandung City Government would provide to the Tamansari 11 community affected by the land acquisition. So that land acquisition activities will be carried out much faster if both parties have agreed on what has been discussed.

#### **REFERENCES**



- AS Hornby. (2000). Oxford Advanced Learner's Dictionary of Current English (sixth edition). New York: Oxford University Press.
- Ernis, Yul. (2015). Implementation of Land Procurement for Development in the Public Interest. Jakarta: Protection.
- Fuady, Munir. (2018). Legal Research Methods: Theory and Concept Approach (Cet 1). Depok: Publisher PT Raja Grafindo Persada.
- Indonesia. (1960). Explanation of the Basic Agrarian Law. UU no. 5 of 1960. LN No. 104 of 1960. TLN No. 2043.
- \_\_\_\_\_. (2012). Explanation of the Law on Land Acquisition for development in the public interest. UU no. 2 of 2012.
- \_\_\_\_\_. (1945). 1945 Constitution of the Republic of Indonesia.
- \_\_\_\_\_. (2012). Law on Land Procurement for Development in the Public Interest. UU no. 2 of 2012. LN No. 22 of 2012. TLN No. 5280.
- City of Bandung. (2018). Data on Profile and Typology of Tamansari Village in 2018.
- \_\_\_\_\_. Final Report on Design of Tamansari Row Houses in Bandung City.
- \_\_\_\_\_. (2017). SK DPKP3 concerning Determination of Building Compensation, Relocation Mechanism and Implementation of the Construction of Tamansari Row Houses for Fiscal Year 2017. Number 538.2/1325A/DPKP3/2017.
- Santoso, Urip. (2011) Regency/City Government Authority in the Land Sector. *FAIR: Journal of Law*. Vol 3, No.2, 240.
- Soekanto, Soerjono. (1982). Legal Awareness and Legal Compliance. Jakarta: CV Rajawali.
- \_\_\_\_\_. (2007). Introduction to Legal Research. Depok: UI Press.
- \_\_\_\_\_ & Sri Mamudji. (2001). Normative Legal Research (A Brief Overview). Jakarta: Rajawali Press.
- Soemitro, Ronny Hanitijo. (1990). Legal and Jurimetric Research Methodology. Jakarta: Ghalia Indonesia.
- Subekti, Rahayu. (2016). Policy on Provision of Compensation in Land Procurement for Development in the Public Interest. Eleven Maret University Faculty of Law. *Yustisia*. Vol. 5, 381.
- Yahman and Nurtin Tarigan. (2019). The Role of Advocates in the National Legal System. Jakarta: Kencana.