

LAND ACQUISITION AUTHORITY DISPUTE MODEL: Case Study of the Construction of the Makassar – Parepare Railway in Pangkajene Regency and the Islands of South Sulawesi Province

ABSTRACT

This research aims to create an effective dispute resolution model for land acquisition authority. Qualitative research design with a case study approach. Data collection techniques through interview observation and document study. The informants consisted of main stakeholders and supporting stakeholders, analyzed using a qualitative descriptive approach with content analysis techniques through in-depth interpretation and meaning by simplifying data, presenting data and conclusions and validating the data-by-data triangulation. The results of the researchers' findings are that the mechanism for obtaining authority from the parties in land acquisition can be through attribution, delegation and mandate. So that an effective SENADA model can be created that can help resolve land acquisition authority disputes. It is important to involve all relevant parties, in the implementation and development of this model. It is hoped that it can speed up the implementation of land acquisition, the same model is effective, and can be improved.

Keywords: Dispute, Land Acquisition.

1. INTRODUCTION

Land is a very basic need for human life, all human life activities, both directly and indirectly, always require land. The State controls land and natural resources, control by the State is mandated in the constitution "Earth, war and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people" (Article 33 Paragraph (3) of the 1945 Constitution), the further implementation of which is regulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. The aim of the right to control from the State is to be used to achieve the greatest possible prosperity of the people, in the sense of happiness, well-being and freedom in society in the Indonesian legal state, which is independent, sovereign, just and prosperous.

In order to realize the goals of the Government of the Republic of Indonesia and create a prosperous, just and prosperous Indonesian society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the state needs to make efforts to fulfil citizens' rights to work and a living that is worthy of humanity. To make this happen, adequate facilities and infrastructure are needed, infrastructure development is one of the flagship and priority programs of the current government.

35 The policies contained in the Nawa Cita and implemented through the fourth National
36 Medium Term Development Plan (RPJMN) (2019-2024) are the basis for active
37 development by the current government. Infrastructure development is expected to
38 accelerate economic growth and develop connectivity as an embodiment of the ideological
39 path towards national independence and equitable development to all regions throughout
40 Indonesia. Efforts for change related to the investment ecosystem and acceleration of
41 national strategic projects require legal breakthroughs that can resolve various land issues
42 from several laws into one law in a comprehensive manner. The government has stipulated
43 Law Number 11 of 2020 concerning Job Creation, Article 10 letter (b) of the Job Creation
44 Law states that, what is meant by land is for the public interest; public roads, toll roads,
45 tunnels, railway lines, train stations and train operating facilities. In order to guarantee the
46 implementation of development for the public interest, land is needed through land
47 acquisition by prioritizing humanitarian, democratic and fair principles.

48 Land procurement is the activity of providing land by providing appropriate and fair
49 compensation to the entitled parties, in Article 1 number 2 of Law Number 2 of 2012. Article
50 3 of Law Number 2 of 2012, explains the purpose of land acquisition for the public interest
51 providing land for the implementation of development in order to improve the welfare and
52 prosperity of the nation, state and society while still guaranteeing the public interest. The
53 party entitled to development in question is infrastructure development to strengthen the
54 foundation of sustainable development.

55 The government has stipulated Government Regulation Number 19 of 2021 concerning the
56 Implementation of Land Acquisition for Development in the Public Interest. This Government
57 Regulation is to implement the provisions of Article 23, Article 173, and Article 185 letter b of
58 Law Number 11 of 2020 concerning Job Creation. This Government Regulation is also
59 intended so that land procurement for development in the public interest can be carried out
60 better by considering various aspects. The operational implementation of land acquisition is
61 regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National
62 Land Agency Number 19 of 2021 concerning Provisions for Implementing Government
63 Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for
64 Development in the Public Interest. There are four stages of land acquisition for public
65 purposes, these four stages include planning, preparation, implementation and delivery of
66 results.

67 The aim of infrastructure development is to support increased national economic growth, and
68 it must be realized that land acquisition activities are the key to success in economic
69 development programs based on infrastructure activities. A successful land acquisition
70 process, a fast, safe and smooth process must be the focus of the stakeholders. The
71 essence of development is the realization of human rights, including infrastructure
72 development that requires land. Land also has a social function; therefore, everyone has the
73 right to use land as well as possible, from land for agriculture to land for regional
74 development. The implication is that land acquisition for the public interest has an impact on
75 increasing agrarian conflicts, especially influenced by the value of compensation which is
76 considered not yet appropriate and fair.

77 The development of an area will be interconnected with land needs, so the government often
78 takes advantage of conditions in procuring land for public facilities. The status of land is very
79 important to provide certainty of rights and legal certainty over land in Indonesia, so to
80 provide rights to a plot of land it is necessary to carry out a land registration process. Land
81 registration in Indonesia has different obstacles, one of which is access to legality for making
82 land documents and administration costs that the public cannot afford. Likewise, with land
83 registration in Pangkajene and Islands Regency, there are also problems with access to

84 physical evidence. The limited number of supporting documents is what has resulted in
85 delays in land acquisition in Pangkajene and Islands Regency. Land that does not have a
86 certificate document certainly does not have definite land boundaries so that land
87 boundaries are often encroached upon, which gives rise to conflicts between the community
88 and the local government and some of the land disputes that occur also originate from
89 group/family land disputes (inheritance) against individual land control in Pangkajene and
90 Islands Regency. Many people in Pangkajene and Islands Regency own land with the status
91 of state land which has been controlled and cultivated from generation to generation, located
92 in villages. Therefore, land acquisition policies must also pay attention to the country's lands.

93 The development of railway transportation infrastructure is expected to be able to overcome
94 transportation and congestion problems. The Trans-Sulawesi railway line is a railway
95 network built to reach important areas on Sulawesi Island, with the initial stage of the
96 Makassar-Parepare railway line requiring 200 kilometers of land through land acquisition
97 which is included in the list of national strategic projects as in Presidential Regulation of the
98 Republic of Indonesia Number 3 of 2016. For land acquisition needs for the railway line
99 construction project from 2017 to 2021, the State Asset Management Institute (LMAN) has
100 disbursed funds amounting to Rp. 2.695 trillion, with the realization that as of January 2022,
101 the payment of land acquisition funds had been paid 81.87 percent of the total allocation.
102 There are 10 railway line construction projects whose land acquisition has been financed by
103 LMAN including the construction of the Makassar-Parepare railway line, Kompas.com
104 (20/1/2022). Another land acquisition carried out in Pangkajene and Islands Regency is the
105 construction of a siding track towards Tonasa and the station which started in 2019.

106 Even though these two railway line construction projects have positive implications for all
107 residents in South Sulawesi, they can provide a multiplier effect for the community around
108 the lines and stations as well as the region and not only support community mobility but can
109 also support the logistics and tourism sectors. Apart from that, it can absorb local workers
110 and encourage regional and national economic recovery, but there are many obstacles in its
111 implementation, especially in land acquisition. The main obstacle to land acquisition is that
112 most residents whose land is affected by land acquisition for the construction of the railway
113 line reject the large compensation value of the land, buildings and plants growing on it.

114 The authority of each stakeholder in carrying out land procurement for development in the
115 public interest has been regulated and stipulated in Law no. 2 of 2012, and its implementing
116 regulations which have been amended several times and most recently with PP Number 19
117 of 2021 with its technical implementation Regulation of the Minister of State for Agrarian
118 Affairs Number 19 of 2021. In the planning stage, the authority lies with the agency that
119 requires the land, in this case the Sulawesi Railway Management Centre, in the preparation
120 stage, the authority of the Provincial Government, the implementation stage is the
121 responsibility of the Land Acquisition Executor which consists of a task force consisting of
122 the National Land Agency, Regional Government, and related agencies, and the Agency that
123 requires the land as well as the Land Appraiser. The stage of handing over the results to the
124 authority of the agency requiring land and the land procurement implementer.

125 The implementation of land acquisition is hampered at the implementation stage, this is
126 because at this stage it involves many stakeholders and although each stakeholder has
127 regulated authority, there is overlap in implementation, especially authority in determining
128 the amount of compensation money. Based on information gathered by the SINDO news
129 Team media crew (16 December 2021), there is at least 3,197 square meters of land in
130 Marumpa Village, Marusu District, Maros Regency, which the owner is reluctant to release to
131 use as a railroad track. There are still residents who reject the prices given by the
132 government. In fact, so far, the land acquisition process for the railway project in Maros

133 Regency has reached 93%. So that the progress of land acquisition can be easier, the
134 railway project management involves the Indonesian national army and Indonesian Republic
135 Police in the land acquisition process. So that the railway project in South Sulawesi can be
136 completed soon so that people can benefit, because the train has become the dream of
137 South Sulawesi residents so that they can enjoy it like residents on Java and Sumatra
138 Island. "That there are residents who are reluctant to have their land released because they
139 feel that the price that has been set is too cheap, even though the price has been
140 determined by the racial team based on ideal calculations from the central government."

141 Meanwhile, only 3.5 km of land acquisition progress for the railway remains. He is optimistic
142 that he will be able to resolve this through a persuasive and educational approach.
143 Furthermore, of the total track length of around 150 km, currently construction of around 43
144 km has been completed, and in the process of implementation, 60 km is on the main line
145 and 10 km on the siding track towards Tonasa.
146 ([https://makassar.sindonews.com/read/630527/713/bebas-tanah-problem-klasik-](https://makassar.sindonews.com/read/630527/713/bebas-tanah-problem-klasik-penghambat-project-kereta-api-di-sulsel-1639660349)
147 [penghambat-project-kereta-api-di-sulsel-1639660349](https://makassar.sindonews.com/read/630527/713/bebas-tanah-problem-klasik-penghambat-project-kereta-api-di-sulsel-1639660349)). The lawyer for 82 landowners in
148 Pangkep and Maros, told Detikzone.net media (24 August 2022) that several individuals
149 from various institutions had played games and deliberately harmed landowners. It needs to
150 be underlined that we never intended to hinder this project. But the way they treated the
151 people was not at all justified both in terms of humanity and the law, he said, during three
152 months of document verification in the field, many things were found that were deviant.
153 "Including allegations of mark ups in the land acquisition budget which are detrimental to the
154 state," he explained. They gave an example of one of their findings in the field, where there
155 was a plot of land that was only less than 30 centimeters wide but was valued at
156 approximately IDR 400,000 while the surrounding land was valued at IDR 60,000. Not to
157 mention there are several names who do not own land but are registered as recipients of
158 rights. "We have found confusion so far. "The problem is that everything from data collection
159 on land plots to the settlement process in court is not carried out correctly according to the
160 rules, such as those who are suspected of having a title being valued at approximately IDR
161 400,000, while residents who don't have a title are valued at IDR 60,000," he continued. So
162 far, he said, a number of landowners assisted by him have not wanted to take the
163 compensation money entrusted to the court. Apart from feeling unfair and far from a fair
164 price, the initial land acquisition process was also accused of being problematic. "Yes, no
165 one wants to take it. Moreover, there are many who want to receive it, but the money is not
166 even in court. "Well, the basic problem is that the price given to them is far from reasonable,"
167 he explained. They have written and reported to a number of agencies, from the Judicial
168 Commission to President Jokowi. They hope that, with the findings of legal violations that
169 they have obtained, the central government can create an investigation team
170 ([https://detikzone.net/2022/08/25/pembebasan-tanah-rel-kereta-api-pangkep-maros-diduga-](https://detikzone.net/2022/08/25/pembebasan-tanah-rel-kereta-api-pangkep-maros-diduga-jadi-business-event/National-Zone)
171 [jadi-business-event/National Zone](https://detikzone.net/2022/08/25/pembebasan-tanah-rel-kereta-api-pangkep-maros-diduga-jadi-business-event/National-Zone)).

172 According to the Chairman of the Pangkajene and Islands District Court (Farid Sopamena),
173 based on the Republic of Indonesia Supreme Court Regulation Number 3 of 2016, it is the
174 court's obligation to receive the deposit funds for the landowner. The total payment is IDR
175 5,140,452,000 for three villages and sub-districts, then the party is waiting for compensation
176 costs of around IDR 23 billion. Nevertheless, Farid Sopamena promised to immediately pay
177 the consignment entrusted to the court to the villagers affected by the railway project.
178 ([https:// www. noderakyat.co.id/2020/07/62-warga-pangkep-cepat-konsinyasi-ganti-rugi-](https://www.noderakyat.co.id/2020/07/62-warga-pangkep-cepat-konsinyasi-ganti-rugi-pemberan-tanah-kereta-pi.html)
179 [pemberan-tanah-kereta-pi.html](https://www.noderakyat.co.id/2020/07/62-warga-pangkep-cepat-konsinyasi-ganti-rugi-pemberan-tanah-kereta-pi.html)).

180 According to data from the Pangkajene and Islands District Court, land has been vacated for
181 the Makassar-Parepare route (main line) based on Supreme Court Regulation Number 2 of
182 2021, totaling 37 plots, and based on the letter of request for Consignment of vacancy from

183 the Sulawesi Regional Railway Management Center, the Pangkajene District Court will carry
184 out vacating the land located in Pattalasang Village, Labakkang District which has been on
185 consignment, vacating the 4 plots of land is planned for October 4 2022, but until the end of
186 October 2022 the vacating cannot be carried out due to the time it was carried out.

187 Constatng (matching) of the land, the Sulawesi Regional Railway Management Center was
188 unable to indicate the boundaries of the object land to be vacated so that re-measurements
189 could not be carried out by the Pangkajene and Islands Regency Land Office. The empirical
190 reality is that: 1) The number of consignments (depositing compensation money that the
191 public is unwilling to accept); 2) The location has been determined since 2017 and 3)
192 Discrepancies or objections from the public and NGOs (Non-Governmental Organizations)
193 regarding complaints and news in newspapers. Based on data available from the
194 Pangkajene and Islands Regency Land Office, it is known that: 1) for the main line, the
195 target is 40.5 km long, with an area of 203.8 hectares, with a total of 2196 plots; (a) Direct
196 Payment Request Letter (SPP-LS) for 159 areas, (b) Consignment for 1,857 areas, (c)
197 Public Facilities/Social Facilities (Public Facilities/Social Facilities) for 180 areas. 2) 671
198 stations and track sidings; (a) SPP-LS as many as 509 plots, (b) Consignment as many as
199 18 plots, and (c) Fasum/fasos as many as 44 plots.

200 Land Acquisition Location Determination which is the basis for the implementation of land
201 acquisition, for the Makassar-Parepare mainline railway line in 2017, was extended to 2020
202 and ended on July 7 2022, measurements, inventory and announcements took place in
203 2020, payments started carried out in 2020, determining the location of stations and track
204 sidings implemented in 2019, measurements, inventory and announcements will take place
205 until 2020 and the first payment in 2021. Results of the coordination meeting for the
206 extension of location determination for the construction of the Makassar-Parepare Railway
207 line on the 9th August 2022 at the Sulawesi Regional Railway Management Office, they
208 have not been able to decide on the extension or determination of a new location for the
209 Makassar-Parepare railway line, so that the Land Acquisition Executor for this activity can no
210 longer carry out land procurement activities, while in reality there are still many
211 consignments that have not yet been completed. paid or the community is not yet willing to
212 accept or collect the Compensation Money, to collect the compensation money that has
213 been consigned or entrusted to the court, you must bring a letter of introduction from the
214 Chief Executive of Land Procurement, in this case the Head of the Pangkajene and Islands
215 Regency Land Office, this raises new problems, where people who are willing to receive and
216 will take compensation money that has been entrusted or consigned to the Court cannot
217 take it because the Land Procurement Executor has not yet been appointed based on the
218 determination of the new location which will provide an introduction to taking the
219 compensation money.

220 The problem of rejection of compensation money by the community which resulted in a large
221 amount of compensation money being entrusted to the Pangkajene District Court and the
222 government's coercive efforts against the land of residents who refused it as well as a
223 protracted settlement resulted in a dispute over the authority of stakeholders at the land
224 acquisition stage for the construction of the railway line in Pangkajene and Islands Regency.

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228 **2. LITERATURE REVIEW**

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230 Authority in Public Administration

Of course, we often hear the term authority or authority in State Administrative Law. In general, authority or authority in State Administrative Law is power that utilizes resources to achieve organizational goals. Authority is a characteristic of a country that has power. Power in the form of a relationship between one party who gives orders and another party who is given orders. Conceptually, the term authority is a very influential element in Administrative Law (Governance Law), because the government can manage its obligations based on the authority it will obtain. Authority in the Big Indonesian Dictionary is defined in line with the word authority, namely power and also the right to do something (Peter & Yeni, 1991).

According to Philipus M. Hadjon (2008), every government action is required to rely on legitimate authority. This authority is obtained through three sources, namely attribution, delegation and mandate. Ridwan (2016) also explained the same thing, that government authority comes from statutory regulations, meaning that the source of authority for the government is statutory regulations. Theoretically, authority originating from statutory regulations is obtained in three ways, as stated by defenseman H.D van Wijk/Willem Konijnenbelt, as follows: (a) Attribution is the granting of governmental authority by legislators to government organs, (b)) Delegation is the delegation of government authority from one government organ to another government organ, (c) Mandate occurs when a government organ allows its authority to be exercised by another organ on its behalf.

Authority in public administration is the rights and responsibilities possessed by parties involved in government to carry out duties and functions in accordance with applicable rules and regulations. This authority is related to the implementation of public policies, decision making, provision of public services, supervision and control (Mubarak & Trisna, 2021). In public administration, authority is divided into two, namely formal authority and informal authority. Formal authority is authority granted directly through laws or statutory regulations. Meanwhile, informal authority is authority that is based on trust and legitimacy given by the community (Dewi&Hasibuan, 2021).

Public services and government administration are a function of various factors. Among the factors that influence public services and government administration are institutions, personnel, processes, supervision and accountability. With regard to the above, it can be explained that the Principles of Authority for Land Acquisition are related to two things, namely:

1. Land Acquisition Authority

Land is the main basic capital in development and is also the main need of the community, so that the implementation of land acquisition can be problematic, due to conflicts of interest between the government, business entities and landowners. Therefore, in implementing land acquisition, various factors must be considered, such as community interests, government interests and public interests, so that the land acquisition process must be carried out by following the principles of good governance, such as accountability, transparency, public participation and justice. In this case, it is necessary to ensure that the policies and actions taken in land acquisition do not harm the interests of society as a whole and provide maximum benefits for development progress.

Land procurement is the process of obtaining rights to land for public purposes, such as infrastructure development, industrial area development, residential development, and so on. Land procurement is usually carried out by the government or interested business entities. In carrying out land acquisition, the government has the authority to carry out actions such as land acquisition, providing compensation, and regulating land use. This authority is granted

277 by applicable laws or regulations and aims to ensure that land acquisition is carried out fairly
278 and transparently.

279 Land acquisition authority is the authority given to the government and other public
280 institutions to acquire land from its owners for public purposes, such as infrastructure
281 development, area planning and development of other public facilities. This authority is
282 regulated in Law Number 2 of 2012 concerning Land Acquisition for Public Use
283 Development. Land and development are two things that cannot be separated, two things
284 that are interrelated. Availability of land for development is urgent, even though it sometimes
285 causes problems. Along with development projects initiated by the government, land
286 problems will also arise, problems that often occur due to limited land availability while the
287 government needs land for development. Land in development is an important factor to
288 support its success, especially for construction of various public interest facilities, land that is
289 large enough is necessary to support the implementation of the program. The problem that
290 often arises is related to the very limited availability of land, while the number of people who
291 need land is increasing.

292 Land Acquisition Authority is the right or authority given to the government and public
293 institutions to carry out the process of acquiring land from its owners with the aim of fulfilling
294 public interests, such as infrastructure development, area restoration, development of public
295 facilities, and so on. Land acquisition authority covers several aspects, such as determining
296 land status, land appraisal, compensation payments, dispute resolution, and handling social
297 impacts (Salim, 2019).

298 2. The essence of the legal principles of land acquisition

299 Legal principles in land acquisition refer to a set of values and principles that must be
300 followed in the implementation of land acquisition to ensure that the process is carried out
301 fairly, transparently and in accordance with applicable laws and regulations. Legal principles
302 in land acquisition are legal rules that must be obeyed and implemented by the government
303 or public institutions in carrying out land acquisition. These principles aim to ensure that land
304 acquisition is carried out in a fair, transparent manner and based on applicable laws
305 (Rudiana et al., 2023). Several legal principles in land acquisition include:

306 Literally principles or principles mean basis, foundation, fundamentals, soul and ideals.
307 Etymologically, a principle or principle is a general proposition stated in general terms
308 without specifically mentioning the method of implementation. In this regard, according to
309 Marbun, (1988) principles can also be called understandings and values which are the
310 starting point for thinking about something. The words principle have the same or parallel
311 meaning, according to the KBBI (Indonesia Dictionary), principle has a basic meaning,
312 something that becomes the foundation; basic ideals; and basic law. The word principle
313 according to Machmudin, (2003) is an absorption from the English language Principle.
314 Principles or principles are a source or because that is the starting point for something,
315 something that is inherent in everything, which determines its essence, essential nature.

316 According to Raharjo, (2000) that legal principles are the heart of legal regulations, legal
317 principles are the broadest basis for the birth of legal regulations, in addition legal principles
318 are a bridge to legal regulations that connect legal regulations with positive law with ideals. -
319 social ideals and ethical views of its society. Sacipto further stated that legal principles are
320 not legal regulations, but no law can be understood without knowing the legal principles
321 contained in it. Therefore, to understand a law, you cannot just look at the legal regulations,
322 but you must dig into the legal principles. According to Raharjo (2000: 47), it is this legal
323 principle that gives ethical meaning to legal regulations and the legal system. Apart from

324 being called the basis for the birth of legal regulations, according to Raharjo (2000: 45), legal
325 principles can also be called the reason for the birth of legal regulations, these legal
326 principles will not exhaust their power by giving birth to a legal regulation but will continue to
327 exist and will give birth to regulations. - next rule.

328 Based on the meaning of legal principles as explained above, the researcher concludes that
329 legal principles or legal principles are not legal norms but are something that underlies the
330 formation of legal norms, legal principles are also not concrete legal regulations, but are the
331 background for the birth of concrete legal norms, legal principles are not stated in the form of
332 concrete regulations in the form of articles. Ideally, every legal norm must be based on legal
333 principles or principles, because legal norms are a concrete embodiment of legal principles
334 or principles.

335 336 **3. METHODS**

337
338 This research is classified as a type of self-administered survey research, which is a type of
339 research that is applied to collect primary data by asking questions to individual informants
340 to collect information from groups representing stakeholders. In this regard, this research
341 uses a type of survey research as the formulation is to obtain basic data in order to obtain a
342 general picture that is useful for making public policy plans and for expressing public
343 opinions, attitudes and hopes. The data extracted from informants is related to the dispute
344 model for land acquisition authority in Pangkajene Regency and the Islands of South
345 Sulawesi Province which is consciously and individually experienced by stakeholders. This
346 type of research involves the researcher in the event or situation being studied. For this
347 reason, researchers need depth of analysis when conducting research and the process of
348 finding research results. This is intended to provide a systematic, factual and current
349 description of the natural situation and conditions of the research object.

350 The research approach used is qualitative, namely describing or describing a phenomenon
351 that exists in the field based on facts about the truth itself as clearly defining the differences
352 and marking something that is called as it is, so that it takes the form of descriptive evidence.
353 The descriptive method is a problem-solving procedure that is investigated by describing or
354 depicting the condition of the subject or object of research in a person, institution, society
355 and others based on facts that are visible or as they are. To be able to clearly describe what
356 the research problem is, the information and data obtained is carried out by recording the
357 data and information.

358 This research is aimed at analyzing and explaining the model of land acquisition authority
359 disputes in Pangkajene and Islands Regency. The data sources in this research are primary
360 data and secondary data.

361 The informants in this research are key informants and supporting informants who can
362 provide information directly. So the research informants consist of 4 classifications, namely:
363 a) Stakeholders consist of 2 groups, namely: 1) Main stakeholders, namely (1) Head of the
364 National Land Agency regional office, (2) Regional Government, (3) Chairman of the
365 Pangkep Regency, Regional House of Representatives, (4) Head of the Land Office, (5)
366 Sulawesi Regional Railway Management Centre, (6) Land Appraiser (Public Appraisal
367 Services Office), (7) Chairman of the District Court and (8) Chief Registrar of the Pangkep
368 District Court (9) Community land owners.

369 The focus of this research is the dispute over land procurement authority in Pangkajene
370 Regency and the Islands of South Sulawesi Province with the mechanism for obtaining
371 authority of the parties in land procurement, which will be studied, namely: (1) Attribution is

the granting of government authority by the legislator to the organ government to make decisions (besluit), (2) Delegation relates to the delegation of government authority from one government organ to another government organ to make "besluit" and this authority becomes its responsibility, and (3) Mandate relates to when the authority of a government organ is delegated carried out by other organs with permission and acting on behalf of the one who gives authority, however

The collection technique is carried out by 1) Interview, 2) Observation, 3) Focus Group Discussion, 4) Document Review. The collected data is then analyzed, where the activity in data analysis is to group data based on variables from all informants, presenting data for each variable studied. The data analysis technique used in this research is data analysis, namely data analysis which is carried out continuously from the beginning until the completion of the research simultaneously, namely: 1) data collection, 2) data simplification, 3) data presentation and, 4) verification.

4. RESULT AND DISCUSSION

Effective land acquisition authority dispute resolution model

Authority or power refers to the understanding and analysis of how power or authority is distributed, exercised and regulated in a system such as authority, control and power relationships between the parties involved. The mechanism for obtaining authority from parties in land acquisition can be carried out through three indicators, namely attribution, delegation and mandate.

Land procurement for development often gives rise to conflicts or problems if negotiations fail, especially to reach an agreement regarding determining the location, form and/or amount of compensation for the release of land rights. Therefore, for the release of land in the context of land acquisition by the State, there needs to be a legal umbrella that can be used as a benchmark for resolving problems. The public service strategies of the parties in resolving land acquisition authority disputes must pay attention to principles that support accountability, transparency, conditionality, participation, equality of rights, and balance of rights and obligations. Procurement of land for development is for the public interest, giving respect to land rights holders by providing legal protection and by providing fair and appropriate compensation to entitled parties, but in reality, the rights holders who are granted often experience a decline in quality compared to their original condition before release. land rights (Kotalewala et al., 2020).

Land acquisition authority disputes have different characteristics, so strategies are needed to resolve them. Disputes over authority in land procurement occur because the acquisition of authority at each stage of land procurement implementation does not proceed in accordance with Law Number 12 of 2012 and its implementing regulations. At the stage of land acquisition where authority disputes predominantly occur is at the implementation stage of land acquisition.

For the construction of the Makassar-Parepare railway line in Pangkajene and Islands Regency, specifically at the implementation stage there were authority disputes, including:

1. Unconstitutional authority; Unconstitutional authority in the construction of the Makassar-Parepare railway line in Pangkajene and Islands Regency includes the payment of compensation money to the parties by third parties with bailout funds before the UGR from LMAN is available, and the payment of compensation money to third parties based on notarial deeds and statements from the parties on the nominative list for land acquisition.

419 The strategy for resolving authority disputes is through improving regulations by establishing
420 mediation institutions.

421 2. Non-physical objects/or objects for Social Facilities that are not assessed; Land appraisers
422 in assessing the amount of compensation money do not take into account non-physical
423 objects/or objects for public facilities such as the costs of moving graves. The strategy for
424 resolving this dispute is through improving regulations by giving negotiating authority to land
425 procurement implementers.

426 There is no independent supervisor: In the implementation of land procurement from the
427 planning, preparation, implementation and delivery of results there is no independent
428 institution to supervise so that in the implementation of procurement there are many
429 disputes, conflicts and cases between the government and the entitled parties related to the
430 amount of compensation, lack of transparency in the land procurement process, the potential
431 for corruption in the land procurement process, legal processes that take time and money in
432 resolving disputes, challenges in realizing land procurement is carried out in a fair manner
433 and in accordance with statutory regulations, this gives rise to disputes over land
434 procurement authority. The solution strategy is to improve regulations by establishing a land
435 procurement supervisory institution, so that the implementation of land acquisition can
436 proceed in accordance with established procedures and the stakeholders involved are also
437 protected from legal proceedings.

438 Mechanisms for obtaining authority, such as attribution, delegation and mandate, play an
439 important role in land acquisition. A clear and transparent authority acquisition process can
440 ensure that the parties involved have sufficient and appropriate authority to carry out land
441 acquisition responsibilities. In land acquisition, disputes can arise between the government,
442 landowners and other related parties. Public service strategies that are accountable,
443 transparent, conditional, participatory, equal in rights, effective balance of rights and
444 obligations, such as mediation approaches, inclusive public consultations, or fair dispute
445 resolution mechanisms, can help resolve disputes that arise in the implementation of land
446 acquisition. This can speed up the process, reduce tensions, and ensure fairness for all
447 parties involved.

448 Based on the concept of 6 (six) aspects of public services developed, namely; 1)
449 Accountability, 2) transparency, 3) conditional, 4) participatory, 5) equality of rights, balance
450 of rights and 6) obligations, the researcher formulated a model for resolving disputes over
451 land acquisition authority which was named the Effective SENADA Settlement Model (R
452 AgusMarhendra, 2023). This model has the potential to resolve land acquisition authority
453 disputes effectively. This Effective SENADA Settlement Model prioritizes an approach where
454 stakeholders/parties achieve common goals in land acquisition. as well as creating
455 sustainable agricultural patterns and having a positive impact. This model can be seen in
456 Figure 1

457 Based on the researchers' results, Novelty Research Findings: Effective SENADA
458 Completion Model is as follows

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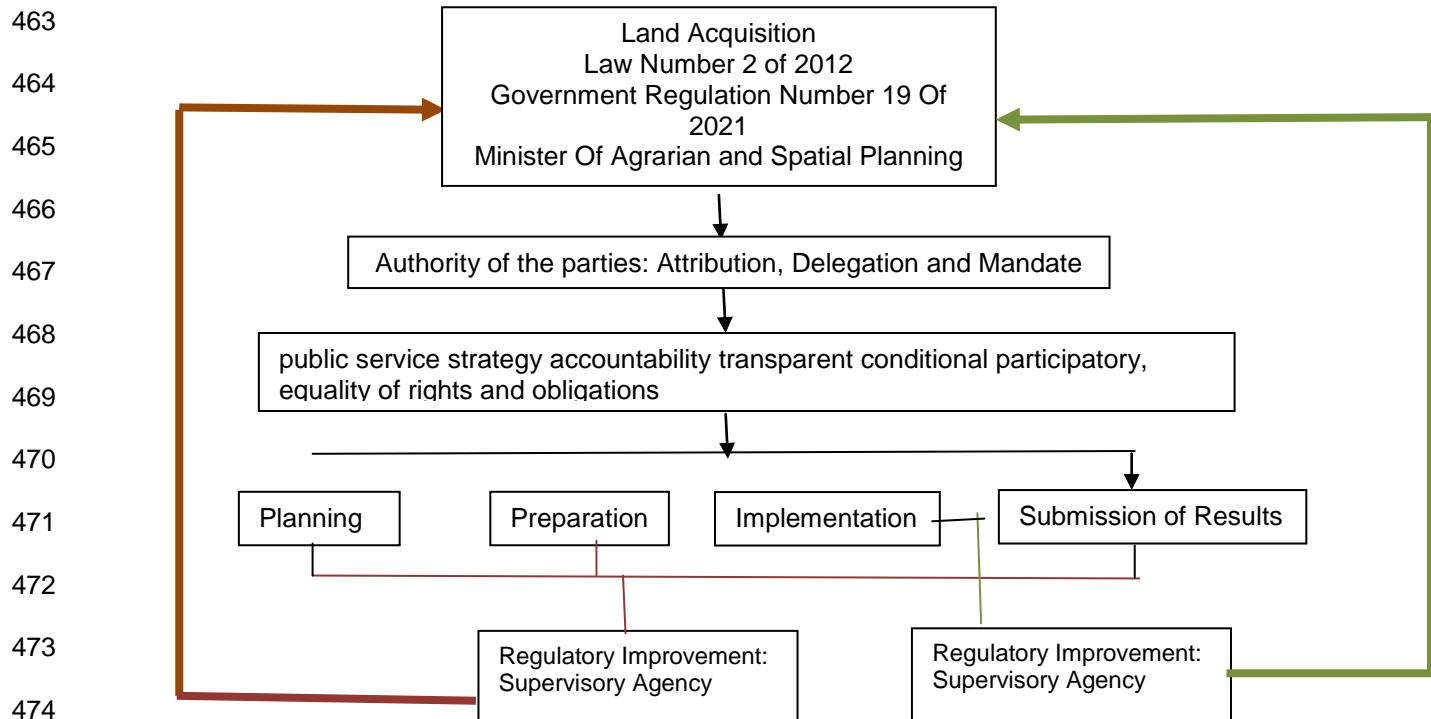


Figure: 1 Effective SENADA Solution

(R AgusMarhendra 2023)

Philosophically, the meaning of the word "harmonious" is related to harmony, unity, or harmony in a context. The word congruent is often used to imply uniformity or compatibility between different elements, whether in music, art, or in social relationships. Harmony reflects harmony or unity in relationships, referring to situations where people work together in harmony, respecting and supporting each other, creating the idea of harmony, oneness and harmony in a particular context.

In the context of resolving land acquisition, "Senada" is an abbreviation of "Se means dispute, Na means authority, and Da means land acquisition." Effective land acquisition authority dispute resolution means that authority disputes can be resolved by improving land procurement regulations including:

1. Mediation Institution: A mediation institution is a special institution responsible for handling land procurement authority disputes including members of the parties involved in the implementation of land procurement including the Court, land procurement implementing committee, agencies requiring land, regional government, regional apparatus and staff the president is given a special task to handle national strategic programs, as a dispute resolution team for land acquisition authority.

2. Negotiating authority: Negotiating authority is the authority to hold negotiations involving various parties who have certain authority to carry out negotiations and reach agreements with the parties in land acquisition. The scope and limitations include the substance to be negotiated, and to be agreed upon by the parties. The parties can determine the level of authority and authority they have in making decisions during negotiations, including strategic

498 decisions, acceptable compromises, or agreements that can be reached. The authority for
499 these negotiations is given to the land procurement implementing committee.

500 3. Supervisory Institution: The supervisory institution is tasked with supervising and
501 monitoring the entire process, ensuring legal compliance, and ensuring transparency of land
502 acquisition. The supervisory agency is an integrated team consisting of Government Internal
503 Oversight Apparatus from the Ministry of Ministry of Agrarian Affairs and Spatial Planning /
504 National Land Agency, Government Internal Oversight Apparatus from agencies requiring
505 land, law enforcement officials and Financial and Development Supervisory Agency.

506

507 Limited Model Test

508 1. Test the feasibility of the model

509 Feasibility testing was carried out to ensure that the model developed was suitable for
510 application in Pangkajene and Islands Regency. The feasibility test was carried out by
511 comparing the model with existing land acquisition authority dispute resolution models.

512 The scheme of the test mechanism for land acquisition authority dispute resolution models
513 can be seen in the following picture:

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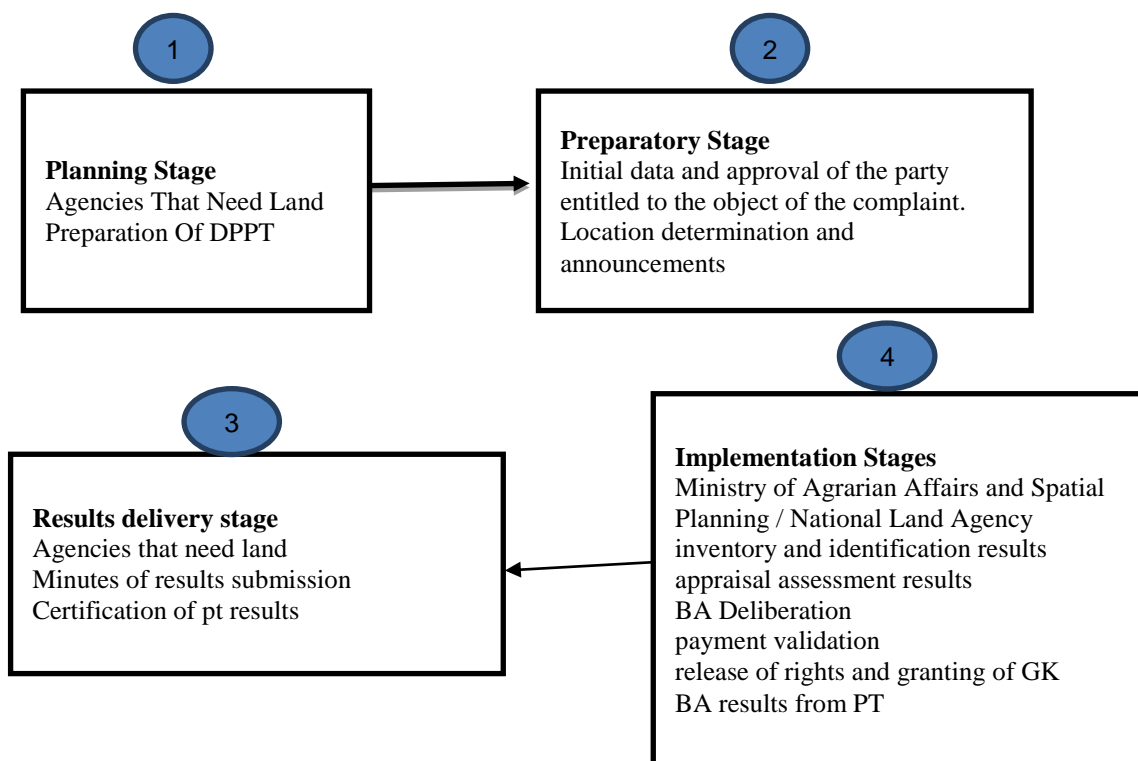
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528 Figure 2: Existing Model



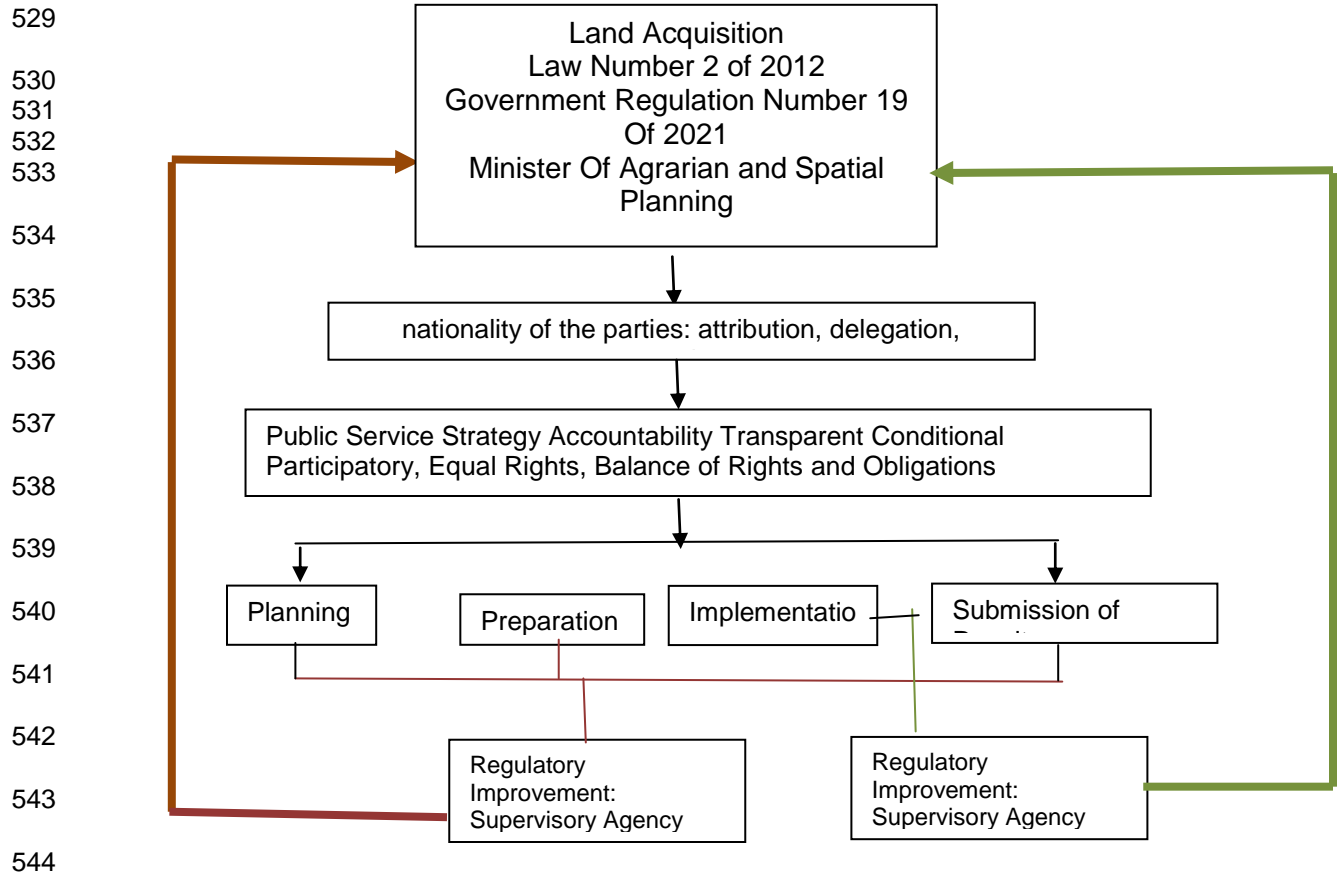


Figure 3 New Model

The value of the novelty of the land acquisition authority dispute resolution model compared to the previous model is:

1. Speed up the land acquisition process, especially the process of paying compensation money to those entitled to it after negotiating authority is accommodated in regulations so that physical work can be carried out immediately.

2. Land procurement implementers can avoid procedural, administrative and legal process errors by having an independent supervisory institution in land acquisition regulations.

3. Speed up the land acquisition process because every problem in land acquisition is resolved through a mediation institution that is approved in the land procurement regulations.

1. Test the effectiveness of the Model

Researchers have tested the effectiveness of the land acquisition authority dispute resolution model. This effectiveness test was carried out to find out whether the model could achieve the desired goal, namely, to resolve land acquisition authority disputes quickly, efficiently and fairly.

560 This effectiveness test was carried out on land procurement authority disputes, namely:
561 disputes between the Pangkep Regency Government and landowners regarding land
562 acquisition for the construction of railway roads. In this effectiveness test, the model for
563 resolving disputes over land acquisition authority used is the mediation model. Mediation is
564 carried out by a mediator appointed by the Pangkep Regency Government.

565 The results of this effectiveness test show that the mediation model can be an effective
566 alternative resolution of land acquisition authority disputes. Mediation can help parties to
567 resolve disputes quickly, efficiently and fairly.

568 The following are several indicators used to measure the effectiveness of the mediation
569 model in resolving land acquisition authority disputes:

570 a. Completion time

571 Dispute resolution time is an important indicator in measuring the effectiveness of the
572 mediation model. An effective mediation model can resolve disputes in a relatively short
573 time. In this effectiveness test, the dispute resolution time through mediation was 30 days.
574 This time is shorter than the time for resolving disputes through court, which is around 6
575 months.

576 b. Cost

577 Dispute resolution costs are another important indicator to measure the effectiveness of a
578 mediation model. An effective mediation model can resolve disputes at relatively low costs.
579 In this effectiveness test, the cost of resolving disputes through mediation was IDR 10
580 million. This fee is lower than the cost of resolving disputes through court, which is around
581 IDR 50 million.

582 c. Satisfaction of the parties

583 Satisfaction of the parties is an important indicator to measure the effectiveness of the
584 mediation model. An effective mediation model can provide satisfaction to the parties to the
585 dispute. In this effectiveness test, the satisfaction level of the parties to the dispute was 90%.
586 This level of satisfaction shows that the parties are satisfied with the results of the mediation.

587 Considering that the effective implementation of the SENADA resolution model is by
588 improving regulations, the researchers carried out this limited test by implementing a model
589 that has not yet been refined to regulations, but has actually been implemented in the field.

590 Limited testing was carried out at several land acquisition locations where there were
591 disputes over authority and potential conflict in communities affected by land acquisition,
592 both directly affected and affected, namely in Bontokio Village, Minasatene District,
593 Taraweang Village, Ma'rang District and in Pattalasang Village, Labakkang District,
594 Regency. Pangkajene and the Islands. Pamelolo. Based on these criteria, the three regions
595 meet the requirements to apply the SENADA settlement model effectively.

596 1. Test the sustainability of the Model

597 Testing the sustainability of the dispute resolution model for land acquisition authority in
598 Pangkajene and Islands Regency in terms of community welfare was carried out to assess
599 whether the model could provide sustainable benefits for the community. This test was
600 carried out by identifying the potential impact of the model on the level of community welfare.

601 Based on the results of the sustainability test, the land acquisition authority dispute
602 resolution model in Pangkajene and Islands Regency has the potential to become a
603 sustainable model. This model has good stability, high adaptability and great economic
604 benefits.

605 a. Increased revenue

606 The model for resolving disputes over land acquisition authority in Pangkajene and Islands
607 Regency is expected to increase regional income originating from land sales. This can
608 provide benefits to society, namely in the form of increasing development and community
609 welfare.

610 b. Increased mediator capacity

611 Increasing mediator capacity can help mediators to resolve disputes more effectively and
612 efficiently. The Pangkep Regency Government needs to provide training and assistance to
613 mediators on an ongoing basis.

614 c. Increased mediation accessibility

615 Increasing the accessibility of mediation can help society utilize this model more widely. The
616 Pangkep Regency Government needs to provide adequate facilities and infrastructure for
617 mediation, as well as providing outreach to the community about mediation.

618 d. Increased support from the government

619 Increased support from government can help ensure that this model can be used
620 sustainably. The Pangkep Regency Government needs to allocate an adequate budget to
621 support the implementation of the mediation model.

622 **CONCLUSIONS AND RECOMMENDATIONS**

623 **A. Conclusion**

624 The effective SENADA settlement model in land acquisition for the construction of the
625 Makassar – Parepare railway line in Pangkep Regency is an effort for the supremacy of law,
626 institutional strength and public participation.

627 **B. Suggestions**

628 The parties involved in land acquisition should obtain authority through a combination of
629 attribution, delegation and mandate, and the parties' public service strategies in resolving
630 authority disputes so that they can implement the SENADA settlement model effectively
631 because it can produce a wider and more sustainable impact in resolving authority disputes.
632 parties in land acquisition.

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