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DETAILED LEGAL STRENGTH AS A BASIS OF OWNERSHIP IN LAND RELEASE COMPENSATION FOR PUBLIC INTERESTS

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Abstract

In the context of using *Rincik* as the basis of ownership in compensation for land release for the public interest, it is necessary to conduct in-depth research related to its legal force. This research is relevant given the discrepancy in understanding between recognizing *Rincik* before and after enacting the Basic Agrarian Law (UUPA). In order to reveal a more comprehensive legal dimension, the research will trace the evolution of the legality of *Rincik* as evidence of land ownership before and after the implementation of the UUPA. This research analyzes the paradigm shift in legal interpretation related to *Rincik* as a document proving land ownership. It will also investigate the legal treatment of *Rincik* in land compensation for the public interest in line with the new legal regulations. This refers to the possibility of conflicts arising from differences in recognition of *Rincik* as proof of land ownership before and after the UUPA came into force. This research aims to explain how the legal validity of *Rincik* as the basis of land ownership is considered by various parties, especially in the context of land compensation for public interest. The research method will involve a comprehensive analysis of legal developments related to *Rincik*, considering the views of legal experts and practitioners regarding implementing the UUPA. This research will provide a deeper insight into the legal significance of rincik in the context of agrarian law and efforts to balance the recognition of *Rincik* in applicable legal practices. The results of this research are expected to provide a clear and comprehensive picture of the legal power of *Rincik* as the basis of ownership in compensation for land release for the public interest. The implications of the findings of this research are expected to be the basis for efforts to improve regulations related to land ownership, especially in terms of using *Rincik* as valid proof of ownership in land-related legal transactions.

Keywords: Rincik; Basis of Land Ownership; Transfer of Rights; Compensation for Land Release; Legal Protection.

I. INTRODUCTION

[1]"*To ensure legal certainty, the Government shall conduct Land Registration throughout the Territory of the Republic of Indonesia in accordance with the provisions regulated by Government Regulation."*

From this foundation, Government Regulation No. 10/1961 on Land Registration (PP No. 10/1961) was issued to implement Article 19 of the UUPA. However, along with the times, the suitability of GR No. 10/1961 with the community's needs in terms of land registration became increasingly irrelevant. Government Regulation No. 24/1997 on Land Registration (GR No. 24/1997) was issued in response. This regulation plays a vital strategic role beyond simply implementing Article 19 of the UUPA. It is also a key pillar in supporting land administration, being an integral part of Indonesia's Land Order and Land Law program. Regulated land registration aims to provide detailed information on land ownership, ensuring that interested parties can quickly obtain data essential for any legal transactions involving these lands.

The Seybold Report
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The LoGA and its implementing regulations aim to ensure legal certainty over land rights throughout Indonesia. Along with the government's efforts to re-plan land use, ownership, and tenure, land registration is crucial to ensure legal certainty throughout Indonesia and contribute to restructuring land use, ownership, and tenure. Legal certainty covers the subject, object, and status of land rights. Land registration produces a certificate as proof of ownership that guarantees certainty regarding the identity of the right holder, the location, boundaries, and size of the land, and the ownership status. This certificate provides legal protection for the holder against interference from other parties and helps prevent legal conflicts with other parties [2].

Although the LoGA and Government Regulation No. 24 of 1997 clearly state that land registration is necessary to ensure legal certainty over land ownership, many rural communities still need certificates as legal proof of their land ownership. This is because land rights have yet to be formally registered. Many people still rely on the *rincik* as proof of ownership, which, prior to the LoGA, was the form of a land certificate that was considered valid proof of ownership. However, since the enactment of the UUPA, *rincik* is no longer recognized as a valid proof of land ownership; it is only a description of the object of the land. In practice, many still use *rincik* as the basis for transferring land rights during land acquisition for the public interest. Before the UUPA, rincik was formally considered as evidence of land rights. However, since the UUPA came into force, its status has changed to a description of the object of land, not as a valid sign of ownership. One of the cases presented in this research is related to land acquisition used for airport land in Mandai District, Maros Regency, South Sulawesi Province. Document data obtained from the Office of Advocate & Legal Consultant Yodi Kristianto & Partners discusses the case of land release; the problem arises when some rincik, which is the object of the right to use part of the area, is not considered as valid proof of land ownership to get compensation from the Government. This was even though most of the documents were issued before the birth of the Basic Agrarian Law, where rincik was officially recognized as proof of land ownership. In 1990, the Central Government, through a Governor's Decree, announced the issuance of land acquisition for constructing a 431-hectare airport in Tenringkae village, Mandai sub-district, Maros district. However, many people who owned land needed documents as proof of ownership, which needed compensation for the land to be released. In 1991-1993, compensation payments were made to some landowners who needed to be registered or verified as a condition of compensation. Although the Government set a specific price, there were discrepancies, which caused chaos among landowners. Some landowners did not receive compensation because they could not agree on a fair price.

In 1993, a decree was issued by the Regent Head of Level II Region No.590/190/Pem. Additional reserves for the expansion of Sultan Hassanuddin Airport in 1993 covered an area of 533 hectares, which differed from land acquisition in 1990. However, the compensation was only paid for 431 hectares, while the landowners still needed to receive the money to maintain 102 hectares. In order to get their rights, several landowners complained to higher levels. In 1995, some landowners were informed that the actual price set by the government for land release compensation was Rp 7,000.00/meter. This triggered a community struggle to demand the remaining unearned payments. Massive demonstrations ensued in 1996, culminating in 1998. In 1997, a decree was issued by the Regent of the Second Level Region on the

The Seybold Report
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determination of the land area of the Sultan Hassanuddin building as the basis for the issuance of a right-of-use certificate in the name of the Ministry of Transportation. However, an error was made regarding the land area on the certificate. In 1998, funds were provided by the Ministry of Transportation and the Maros District Government to cover the remaining compensation payments, but more was needed. Landowners continued to pursue their rights by taking various steps, including through representations and complaints to the relevant authorities. In 2004, eight landowners took legal action without compensation by seeking assistance from relevant parties, including the then Vice President of Indonesia, Jusuf Kalla. In 2006, there were efforts to recollect data by the Maros Regency Government and the South Sulawesi Provincial Government, but compensation for the land was never paid. Actions will continue until 2021, with the arrangement of legal counsel to resolve this issue.

II. FRAMEWORK THEORY AND METHODS

a. Proof of Land Rights Ownership

In order to obtain correct juridical data and for land rights registration, Government Regulation No. 24/1997 regulates several mechanisms for proof of rights, including the granting of rights, waqf land, and mortgage rights, each of which is proven through specific procedures [3] such as a determination by an authorized official or an appropriate deed. Land registration activities produce certificates as solid evidence of rights, presenting the physical and juridical data registered in the land book. These certificates, which act as a vital means of proof, are issued to make it easier for right holders to validate their ownership. In this regard, certificates must meet absolute requirements, including lawful issuance, acquisition of the land in good faith, actual possession of the land, and the absence of written objections within a certain period after issuance.

b. *Rincik*

Rincik or Surat Pendaftaran Sementara Tanah Milik Indonesia, before President Regulation No. 10 Tahun 1961, was a form of proof of ownership recognized in the past. However, with the enactment of the UUPA, the role of rincik has changed. Previously, *rincik* was recognized as a sign of land ownership, but after the UUPA came into effect, its role shrank to just a certificate of the object on land. Its name and form varied depending on the region, as its production depended on local officials and the customary rights of customary law communities recognized before the LoGA, and the changes were reinforced by Law No. 12/1985 on Land and Building Tax (PBB). Articles 24 and 25 of Government Regulation No. 24/1997 regulate the proof of old rights, where the conversion of old rights is proven by written evidence, witnesses, or statements from the applicant. The assessment is carried out by the Adjudication Committee or the Head of the Land Office based on collecting and researching the juridical data of the land parcel. If there is no dispute, and the physical and juridical data are complete, a land title certificate is issued. However, with the birth of the UUPA, rincik was no longer recognized as valid proof of land ownership. Today, certificates resulting from the registration of land rights are legally recognized proof of ownership under the UUPA.

The Seybold Report
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c. Theory of Legal Certainty

Legal certainty is a solid foundation in running a legal system. It is about creating rules that are clear, consistent, and unaffected by subjectivity. The importance of this theory [4] is stated in Article 28 D Paragraph (1) of the 1945 Constitution, which emphasizes the right of every individual to fair legal protection and equal treatment before the law. In this case, legal certainty has a duality: first, it guides actions that are allowed or not for individuals; second, it protects individuals from arbitrary government policies.

Legal certainty, according to Utrecht [5], has two meanings: first, standard rules make people know what they can or cannot do, and second, it gives people legal security from the government because standard rules make people know what the government can impose or do to them. For Hans Kelsen [6], the law is a system of norms that establishes what should be done. The general rules in law guide the social interactions of individuals. It sets limits for society to act towards individuals and vice versa.

The creation of rules and their application results in legal certainty that becomes the foundation of every ownership transaction, such as Land Registration with Certificates as strong evidence of land ownership, providing a solid guarantee for parties wanting to transfer their land ownership.

d. Theory of Legal Protection

In developing the principles of legal protection in Indonesia, the foundation rests on Pancasila as the state ideology and philosophy. The concepts of Rechtsstaat and the rule of law that underlie the idea of legal protection in the West are also used but in the context of Pancasila. Legal protection in Indonesia is based on the principle of recognition and protection of human dignity derived from Pancasila.

The focus is on recognizing and protecting human rights by setting limits and obligations for society and government [7]. [8] Asserts that legal protection materializes in allocating power to individuals to act in their interests. The core purpose of law is to protect society, which indicates the importance of legal certainty. Philipus M. Hadjon sees legal protection as a form of recognition of human dignity and human rights, which are regulated by law and prevent arbitrariness. Meanwhile, according to Muchsin, legal protection is an effort to protect individuals by creating order in social interactions based on values and rules instilled in human behavior.

Where the framework for thinking in this study is presented in the following framework;

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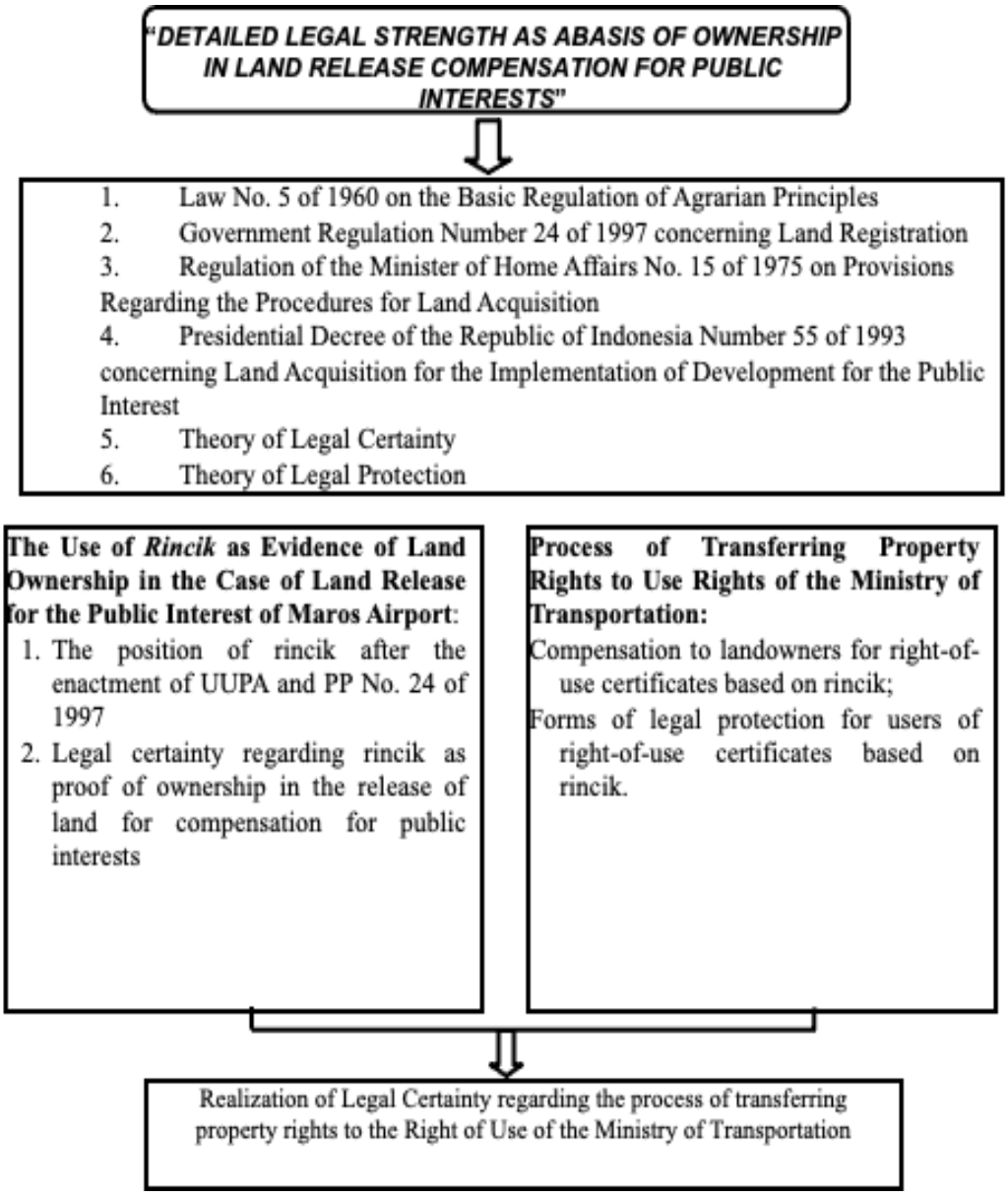

Figure 1: Conceptual Framework

Legal research [6] is a step to explore legal rules, principles and doctrines to provide solutions to problems that arise. This research uses a normative legal approach, focusing on the study of norms that underlie crucial aspects of law such as justice, certainty, order, benefit, efficiency, authority, as well as norms and doctrines that form the basis of law in procedural and substantial dimensions. Also known as doctrinal legal research, this research focuses on analyzing written regulations. In this context, researchers traced Law No. 5 of 1960 on Basic Agrarian Regulations, Government Regulation No. 24 of 1979 on Land Registration, and other related regulations.

The Seybold Report
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This research carries a normative juridical approach, which refers to a specific provision. In this study, researchers applied two main approaches:

(1) The statute approach examines various laws and regulations related to the legal issues being investigated. This approach allows researchers to analyze the consistency and compatibility between existing rules. With this approach, researchers can uncover the philosophy or thinking underlying the formation of legal regulations;

(2) Conceptual approach involves understanding the views and doctrines in legal science. Through this approach, researchers can deepen legal concepts and principles relevant to the issues under study, which are then used as the basis for building legal arguments in answering the problems at hand.

In this research, the types and sources of legal materials are divided into two main categories; Primary Legal Materials These are legal sources taken directly from official documents, such as laws and regulations that are binding for community governance. Primary legal materials that are the focus of this research include Law Number 5 of 1960 concerning Basic Agrarian Regulations and Government Regulation Number 24 of 1979 concerning Land Registration. Secondary Legal Materials These materials provide in-depth explanations related to primary legal materials. Sources of secondary legal materials used include legal literature such as books, theses, dissertations, and legal journals. In addition, other references such as scientific books, legal dictionaries, and the views of legal practitioners relevant to the research topic were also used [6].

III. RESULT AND DISCUSSION

Rincik or Surat Pendaftaran Sementara Tanah Milik Indonesia before PP No. 10 Tahun 1961 was proof of ownership of the old right holder, depending on the ulayat rights of customary law communities in specific areas such as Makassar. Before the UUPA, the rincik was proof of land rights, but afterward, it only described the land object. Determination of old rights required written evidence and juridical data research by the Adjudication Committee or the Head of the Land Office. However, since the UUPA, rincik has lost its legal power as proof of land ownership. Land rights, once represented by the rincik, are now based more on certificates resulting from the registration of land rights under the LoGA. Although the right is granted by the National Land Agency (BPN), it can be revoked by the state if it conflicts with the law or public interest. To further regulate this, Law No. 20/1961 on the Relinquishment of Land Rights and the Objects Thereon was issued, which replaced the provisions of the Onteigening sordonnantie (Stb. 1920 No. 574) during the Dutch East Indies Government. However, today, problems arise when land becomes a source of conflict in development due to the government's need for land. At the same time, residents want to retain their land for continued livelihoods and shelter. While the government has the authority to take land for development, this should not be done arbitrarily, according to Article 6 of the UUPA, which emphasizes the social function of land rights. These two articles provide the legal basis for the government to take community land for development, which can be done through the acquisition/release of land rights (prijsgeving) and release of land rights (onteigening).

The Seybold Report
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The release of land rights is a means organized by the government to take away the land rights of citizens in the public interest, which includes the common interests of the people, the interests of the nation and state, and the interests of development. Article 1 of Law Number 20 of 1961 states that:

> *"In the public interest, including the interests of the nation and state and the common interests of the people, as well as the interests of development, the President in a state of compulsion after hearing the ministers of agrarian affairs, justice and ministers concerned may revoke rights to land and objects on it."*

By taking into account the provisions in Article 1 of Law No. 20/1961 above, before the President issues a decree on the land to be relinquished, an application must first be submitted to the interested party as stated in Article 2 of Law No. 20/1961. The basic provisions of Law No. 20 of 1961 on the relinquishment of UUPA rights are as follows:

> *"In the public interest, including the common interest of the people, land rights may be revoked by providing adequate compensation and in a manner regulated by law"*

In practice, Law No. 20/1961 is rarely used to regulate land in development and public interest. The land acquisition procedure (PMDN No. 15 of 1975) is more commonly used as it is faster and involves deliberation to reach an agreement, not coercing the landowner. However, the PMDN provides alternatives if deliberation does not reach an agreement. In addition to compensation issues, PMDN No. 15 of 1975 also concerns settlement and livelihood issues, especially for landowners from the agricultural sector. Although PMDN No. 15 of 1975 provided solutions, controversy arose in academic circles. There were questions regarding the Minister of Home Affairs's authority to make regulations binding on the public without a delegation of authority. In contrast, the release of land rights was regulated by Law No. 20 of 1961, which appointed the President to decide. Furthermore, the content of the PMDN is not in line with the law. Although controversial, for academic purposes, it is essential to understand the differences and similarities in the procedures for releasing and acquiring land prior to its use.

Procedure for Determining Compensation in the Release of Maros Airport, In order to scrutinize the land to be acquired and determine the amount of compensation, PMDN No. 15 of 1975 established a committee under the Governor of the local region. The duties of this committee include:

1. Investigation and local research on the condition of the land, buildings, plants on it.
2. Negotiations with owners of rights to land, buildings, and plants.
3. Estimating the amount of compensation to be paid.
4. Prepare minutes of land acquisition with considerations.
5. Witnessing the payment of compensation to the right holders of land, buildings and plants.

The Seybold Report
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If the determination of compensation is not accepted by the right holder, in accordance with Article 8 of Law No. 20 of 1961, the court is obliged to examine the case.

Suppose the determination of the form and amount of compensation for land is not accepted by the holder of the land right resulting from the disposal by the provisions in Article 8 of Law No. 20 of 1961. In that case, the court is obliged to examine the case. This is regulated in Government Regulation No. 39 of 1973 on the procedure for determining compensation by the High Court about land rights and objects to it. Article 1 of Government Regulation No. 39 of 1973 states as follows:

> *"The request for appeal referred to in Article 1 of this Government Regulation shall be submitted to the High Court, whose jurisdiction covers the land and objects whose rights have been revoked, no later than one month from the date on which the Presidential Decree referred to in Articles 5 and 6 of Law No. 20 of 1961 is delivered to the person concerned."*

In the context of Article 2, the appellant may submit a request either in writing or orally by the provisions of Article 3 of Government Regulation No. 39 of 1973. The request for appeal is submitted by letter or orally to the clerk of the Court of Appeal. This request is deemed to be received upon payment of court costs, except for those who cannot afford it and may be exempted from payment of court costs at the discretion of the president of the superior court. The Court of Appeal shall set a hearing period of no more than one month from the receipt of the appeal, with the hearing and decision rendered as quickly as possible (Article 4). The superior court may also summon relevant parties to provide information (Article 5 paragraph (1)). If necessary, the request for information may be delegated to the district court where the land and objects are located (paragraph (2)).

The presidential instruction stipulates that development in the public interest consists of activities related to

a) The interests of the nation and state,
b) The wider community,
c) The people, and
d) Development.

Related to this, the presidential instruction also stipulates the areas of buildings included in the category of public interest, such as defense, public works, public services, religion, science, cultural arts, health, sports, public equipment, safety from disasters, social welfare, cemeteries, tourism, and economic businesses that benefit the public welfare [9]. This presidential instruction should be appreciated because it gives respect to land rights holders who will be revoked, with urgent reasons for the public interest. In this presidential instruction, respect for holders of land rights that will be revoked in the public interest is regulated in Article 4. Cancellation of land rights under very urgent conditions can only be carried out if the public interest demands immediate action, which, if delayed, could lead to natural disasters that threaten public safety, and if the land is urgently needed for development activities that the

The Seybold Report
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government, local government, or the wider community cannot delay. These severe requirements emphasize that releasing land rights in the public interest is a legal instrument that vigorously protects land rights holders.

The disposal of land rights, as stipulated in Law No. 20/1961, can be done through ordinary (Articles 2-5) and extraordinary (Articles 6-8).

1. Ordinary Events In ordinary events, the applicant submits a request to the President of the Republic of Indonesia through the Minister of Home Affairs/Director General of Agrarian Affairs with the reasons specified by Article 2 paragraph 2 of Law No. 20 of 1961, including the land allocation plan, information on right holders, and shelter plans for those affected.
2. Extraordinary Events Under urgent conditions, land rights may be relinquished under extraordinary procedures that allow for faster implementation, such as in the event of a disease outbreak or natural disaster that requires immediate shelter. This process can deviate from standard procedures with the Chief Agrarian Inspector's approval by the Minister of Agrarian Affairs and followed by a Presidential decree.

In PMDN No. 15 of 1975, land acquisition can only be carried out after an agreement between the parties involved, including the amount of compensation, through deliberation. However, if an agreement cannot be reached, the relinquishment procedure under Law No. 20/1961 can be pursued, provided the need for the land is urgent. Land acquisition applies to government agencies and private agencies in projects that support the public interest or development. If deliberations do not result in an agreement, the "revocation" procedure under Law No. 20 of 1961 can be carried out, although it will take longer.

Process of Transferring Property Rights to Use Rights of the Ministry of Transportation, land acquisition is regulated in Article 18 of the Basic Agrarian Law, which allows the revocation of land rights by providing compensation by the law. Law No. 2/2012 explains that land acquisition is an activity to provide fair and just compensation to the rightful parties. There are a series of implementing regulations to implement this provision, starting with Presidential Regulation 71/2012, which has been revised several times to Presidential Regulation 148/2015. Its technical elaboration is regulated by Regulation of the Head of the National Land Agency Number 5 of 2012, last amended by Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 22 of 2015. To speed up the land acquisition process, the latest regulation allows agencies that require land, on a small scale of up to 5 hectares, to directly conduct transactions with the entitled parties, either through sale and purchase, exchange, or other agreements, by the spirit of efficiency and effectiveness.

Small-scale land acquisition, at most 5 hectares in size, can be done directly by the agency that needs the land with the rightful party. This is regulated in several related regulations, including Article 121 of Presidential Regulation No. 148/2015, which emphasizes the requirements of regional spatial planning, the use of appraisal services to determine value, and the provision that land acquisition does not require location determination. Special rules related to small-scale land acquisition are also contained in the Minister of Agrarian Affairs and Spatial

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Planning Regulation, where small-scale direct land acquisition can be carried out without going through the stages regulated in Law No. 2/2012 and its implementing regulations. This procurement process involves deliberation between the Land Agency and the Eligible Party to determine compensation based on the appraisal of an appraisal service. The Eligible Party can file an objection to the local district co without agreement. Land acquisition also depends on location determination as the licensing aspect of land acquisition, which forms the basis for land acquisition permits for development in the public interest.

Legal Consequences of Small Scale Land Acquisition without Location Determination, The absence of location determination in small-scale land acquisition is not without legal consequences. The absence of a location determination in small-scale land acquisition means that the agency requiring the land cannot deposit the compensation in court because one of the requirements stipulated in Supreme Court Regulation No. 3/2016 on Procedures for Filing Objections and Custody of Compensation to the District Court in Land Acquisition for Development in the Public Interest is a location determination stipulated by the governor or mayor/regent. Supreme Court Regulation of the Republic of Indonesia Number 3 of 2016 on the Procedure for Filing Objections and Custody of Compensation to the District Court in Land Acquisition for Development in the Public Interest regulates the requirements that must be met to submit an Application for Custody of Compensation signed by the Applicant or his/her attorney with supporting documents attached. Several documents are required in the process of depositing compensation. These include [Article 25 paragraph (2) of PERMA Number 3 Year 2016], the identity of the applicant, the decision letter of the governor/regent/mayor indicating the location of the requested development, documents confirming the party entitled to the land, and a written assessment of the value of compensation. The minutes of the deliberation results of the compensation determination, a copy of the relevant court decision, a letter of rejection of the compensation from the deliberation or court, and documents related to the land case in court are also required. In addition, a decree or statement on the placement of seizure on the land object and documents showing that the land is used as collateral in a bank is also part of the compensation deposit requirements that must be met.

Land acquisition for public interest development consists of several main stages. The first stage, Preparation, i.e., determining the location of land acquisition, is crucial, especially in contexts such as land release for projects like Maros Airport. Committee Nine's failure to verify the location determination further is a significant omission. At this stage, several important points need to be noted: location determination is not the granting of land rights, but rather a land acquisition process as per Article 1 point 2; conformity with the City's General Plan for Regional Spatial Planning (RUTRW), or in the case of areas without RUTRW, based on existing spatial planning. This location determination is realized in a Decree signed by the Regent/Mayor or Governor. Involves the establishment of a Land Acquisition Preparation Team. According to Article 9, paragraphs 1 and 2 of Presidential Regulation No. 71/2012, this team comprises the regent/mayor, the relevant provincial working unit, the agency requiring the land, and other relevant agencies. The governor is tasked with establishing a secretariat for land acquisition preparation at the provincial secretariat to ensure the smooth running of the preparation team's work.

The Seybold Report
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In the Second Stage of Implementation, including counseling activities, the Land Acquisition Committee (PPT) and government agencies that require land provide two-way information to the public regarding the development location. This activity is guided by the PPT Chairman and Vice Chairman and attended by PPT members and Leaders of Government Agencies that require land. Socialization of the land release for Sultan Hasanuddin Airport started in 1992 when the Committee of Nine allowed the public to register and provide notification to the Maros District Land Agency, which acted as Secretary of the Committee of Nine. For the inventory, Committee Nine worked closely with the Ministry of Transportation, which needed the land to construct Maros Airport and related agencies such as the Maros District Land Agency. The inventory covers the land to be used for development, its boundaries, the subject or owner or holder of the land rights, and its use, including buildings, plants, and other objects related to the land. It is then followed by an announcement where the inventory results are used to notify the people whose land is affected by the development activities and allow them to submit objections or the inventory results.

Announcements, They were accompanied by a map and information on the subject (owner or holder of the land), land status, parcel number, type and size of the building, number and type of plants, as well as the tax object selling value (NJOP) and tax notice number (SPPT) of the land parcel. This announcement is signed by the PPT and announced at the City/Regency Land Office, Sub-District Head Office, and local Kelurahan/Village Office. If the community raises objections within the prescribed time limit and the PPT considers them well-founded, the PPT makes changes. **Valuation**, The District Land Acquisition Committee appoints a Land Price Appraisal Institution approved by the Regent or Mayor. In the absence of such an institution, valuation is conducted by a Land Price Appraisal Team consisting of various relevant institutions. They assess the actual value by considering the location, status, land use, conformity with the spatial plan, available facilities, and other factors that affect the price. Relevant agencies carry out the valuation of buildings, plants, and other objects with predetermined price standards. The government and landowners can cooperate based on the results of these valuations. In the case of Maros Airport, disagreements over land prices have caused tension. Some landowners received compensation that was less than the set standard.

IV. CONCLUSION AND SUGGESTION

Rincik or Surat Pendaftaran Sementara Tanah Milik Indonesia is one form of proof of ownership previously recognized before Government Regulation No. 10 Year, 1961, was enacted. According to the explanation in Article 24, paragraph 1 of Government Regulation No. 24/1997, the rincik served as proof of ownership of the land by the old right holder. However, the role of the rincik changed after enacting the Basic Agrarian Law (UUPA), where it was no longer recognized as evidence of land rights but only as a certificate of the object on land. Finally, its status is regulated by Law No. 12/1985 on Land and Building Tax (PBB). In the case of the land release for Maros Airport, legal issues arose due to the failure to reach an agreement on compensation between the community and the Government. This issue should be resolved by applying the principle of legal protection to landowners with property rights. The transition process from property rights to the right of use of the Ministry of Transportation

The Seybold Report
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is a matter of homework for the Government and related parties before the new land acquisition is carried out. Legal certainty refers to the clarity, consistency, and permanence of laws unaffected by subjective factors. This is important because of Article 28D paragraph (1) of the 1945 Constitution, which affirms the right of every person to recognition, guaranteed protection, fair legal certainty, and equal treatment before the law. The proposed compensation should not only cover visible physical losses but also consider non-physical losses, such as restoring the socio-economic conditions of the people who are moved to a new location. Compensation to land rights owners who lose their rights must result in improvements or at least maintain the level of life before the development project.

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18) Peraturan Presiden (PERPRES) Nomor 65 Tahun 2006 tentang Perubahan Peraturan Presiden Nomor 36 Tahun 2005 Tentang Pengadaan Tanah Bagi Pelaksanaan Pembangunan Untuk Kepentingan Umum
19) Peraturan Menteri Keuangan Nomor 58/PMK.02/2008 Tahun 2008 tentang Biaya Panitia Pengadaan Tanah Bagi Pelaksanaan Pembangunan untuk Kepentingan Umum
20) Undang-undang (UU) Nomor 8 Tahun 1997 tentang Dokumen Perusahaan