

ABSTRACT

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**UNLAWFUL ACTION IN CONSIGNMENT OF LAND PROCUREMENT
(CASE STUDY ON DECISION OF NORTH JAKARTA STATE COURT
304/PDT.G/2017/PN JAKUT)**

(xi + 92 pages ; 1 attachment)

Land is an important thing and very much needed in human life. The UUPA does give rights to land owners, yet Article 6 states that all land rights have a social function that allows the state to acquire land to be used for public purposes by providing compensation to entitled parties as proof that the state recognizes someone's land rights. Problems often occur in the process of implementing land acquisition especially in the process of providing compensation. The process of providing compensation often does not run according to existing regulations. As did the Defendant in the Jakarta District Court Decision Number 304 / Pdt. G / 2017 / PN Jakut, where the Plaintiff received information that the land was designated for the public infrastructure development project and the compensation for the land acquisition had been consigned to the North Jakarta District Court by the Defendant. The Plaintiff did not know this at all, in fact the Plaintiff was never invited to conduct deliberations before the compensation money was consigned to the court. This is clearly not in accordance with what has been regulated in Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest. The Panel of Judges considered the Defendant's actions against the law because they had fulfilled the five elements of an act against the law which are namely the existence of an act, the act is against the law (which is considered an act that violates the law such as human rights, violates the subjective rights of others, and is against the principles of decency and appropriateness prevailing in society), there was an error committed by the Defendant in which the Defendant carried out land acquisition without contacting the Plaintiff whose position was clearly known and was the owner of the land, there was existence of a loss, as well as a causal connection between the act and the loss. This decision can serve as jurisprudence for other related cases where agencies requiring land to be developed for the public interest are required to know and carry out procedures in accordance with the law and still pay attention to the rights of land holders.

References: 56 (1945-20)

Keywords: Compensation in Land Acquisition, Consignment in Land Acquisition, Unlawful Act.