

ABSTRACT

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LEGAL PROTECTION FOR HAK GUNA USAHA HOLDERS ENTITLED TO COMPENSATION FOR LAND ACQUISITION FOR PUBLIC INTEREST (STUDY OF SUPREME COURT DECISION NO: 1396K/PDT/2021)

(xiv + 93 Pages; 4 appendices)

Indonesia is a rule of law country, based on that definition legal protection is the main goal of the rule of law country. Legal protection for land rights holders in land acquisition for public development is expressed in the form of compensation. The compensation is assessed based on the evaluation from the Land Appraiser, grounded in Act No. 2 of 2012 on Land Acquisition for Public Interest Development and the Indonesian Valuation Standards. In assessing land acquisition objects for public development, the Land Appraiser evaluates independently. The role of land appraisers in preparing valuation reports related to land acquisition objects is very important in achieving a fair and reasonable value. A fair and just value is also the aspiration of Act No. 2 of 2012, which previously was not conducted by Land Appraisers but used the Tax Object Selling Value. However, in cases of land acquisition for public development, there are still issues, particularly in determining the value of compensation itself. The same issue also occurred in the case of the expansion of the Institut Agama Islam Negeri Langsa campus. This research aims to examine the assessment in determining compensation in land acquisition, as well as its implications for land rights holders. The research method used by the researcher is normative-empirical, namely by examining the Supreme Court Decision Number 1396K/Pdt/2021 structured interviews. The results of this study state that the compensation value in the construction of the Institut Agama Islam Negeri Langsa Campus is still not based on Fair Replacement Value and Indonesian Valuation Standard. Besides that, there are two compensation values by two land appraisers that are very far apart, so it does not provide a definite value for the land rights holder. Even after taking legal action to protect the interests of land rights holders, the compensation value based doesn't use the assessment of the Land Appraiser.

Keyword: legal protection, land acquisition for public development, Land Appraisers, compensation

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