

## **The Mechanism of Establishing Compensation in Land Procurement of the Construction of the Kulon Progo Yogyakarta Solo Toll Road In Klaten District**

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### **Abstrak**

This journal examines how compensation is determined for land acquisition for toll road construction in Klaten Regency. Instead, the amount of compensation must be decided through deliberations between the land acquisition committee and the party entitled to it. Because they are considered not to care about justice, there are still many people who do not agree with the amount of compensation given. Based on Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and the Indonesian Appraisal Standard, the price of land for public use is determined by the appraisal team by taking into account physical and non-physical values. This study uses empirical research methods with a focus on descriptive research. Research finding is that there are still many people who do not agree with the amount of compensation given and provide justification to the local District Court, resulting in delays in payment of compensation.

**Keyword:** Land Acquisition, Public Interest, Compensation, Aspect of Justice



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### **INTRODUCTION**

Land has an important meaning in human life, many human activities related to land such as land are used to build houses and for livelihoods that can generate high selling values. Thus, it can be said that land plays an important role in human life. In the process of land acquisition, land becomes a capital asset which is the main source of government funding for various development projects that are carried out with the aim of public interest, especially those involving physical development. Building toll roads is one way for the government to develop the physical world. The government seeks to increase the capacity of transportation facilities and infrastructure as well as the integration of the transportation system by building toll roads. Land acquisition in the context of carrying out development for the benefit of citizens often experiences obstacles, such as unrest in the community due to the land process which is considered not to uphold justice in the community. The problem of acquiring property for development for the public interest is actually a dilemma because it involves two factors that must be balanced with each other (Mukmin Zakie, 2011). Since the amount of state land that can be used for development in the public interest is limited, giving up community land rights is often the only viable solution. The community should not feel betrayed by land parcels that are harmed by land acquisition for the public interest, therefore the government must pay attention to the rights of land owners in terms of providing compensation.

To support this, the government has established a legal basis that requires land rights that are in the public interest to consider the issue of fair compensation. Land rights can be revoked for the public interest, including the interests of the nation and the state as well as the common interests of the people, by providing appropriate compensation to the holders of land rights according to the method determined by law, as stated in Article 18 of Law Number 5 of 1960



concerning Basic Agrarian Basic Regulations (Shelin Nabila Wibowo, 2021). As a result of this clause, Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest (hereinafter referred to as the Land Procurement Law), which has since been amended in several articles with Law Number 11 of 2020 concerning Job Creation, became elaboration of the basic arrangements for land acquisition.

The construction of the Solo-Yogyakarta-Kulon Progo Toll Road will improve accessibility and liaison between regions, develop the area traversed, and spur economic development in the Central Java Region. The Solo-Yogyakarta-Kulon Progo Toll Road is expected to significantly improve the finances of the people of Joglosemarkerto (Yogyakarta, Solo, Semarang) which is located in the "golden triangle" of the tourism industry. Furthermore, this toll road is part of the government's proposal to build a toll road in support of the Borobudur Super Priority National Tourism Strategy Area. Through this toll road connection, three airports-New Yogyakarta International Airport, Ahmad Yani Airport in Semarang, and Adi Sumarmo in Solo will have access to traffic support. Therefore, to support the government's program in the construction of the Solo-Yogyakarta-Kulon Progo Toll Road, the relevant government must bear the construction costs by taking into account Article 18 of the UUPA which reads: - Land rights can be revoked by providing appropriate compensation according to the method regulated by law.

It is necessary to pay attention to relevant principles and justice when the government or other related parties hand over losses in the context of implementing the provision of compensation to the community. In accordance with what has been jointly considered by the team from the Public Appraisal Service Office (KJPP), taking into account the Indonesian Valuation Standards (SPI), and taking into account the applicable land acquisition regulations, namely Law no. 2/2012 concerning Land Acquisition for Development in the Public Interest (KEPI SPI). In accordance with Article 2 of the Law, Land Procurement for Public Interest must be carried out in accordance with humanity, justice, benefit, procurement, agreement, participation, welfare, and harmony. Generally, parties who need land and owners of property rights who need it for development activities negotiate an agreement to buy the land (Maria SW Sumardjono, 2008). As a result, it can be claimed that community rights to land make the land purchase process quite simple.

With the development and enactment of Law No. RI. 5 of 1960 concerning the Basic Agrarian Regulations, which later became known as the UUPA, essentially rights to land owned by the community and the provision of legal certainty guarantees are all regulated in national law. The 1945 Constitution of the Republic of Indonesia which affirms that "Earth, water and the natural resources contained therein are controlled by the State and used for the greatest prosperity of the people", implemented by Law Number 5 of 1960 (Putri Lestari, 2020). According to Law no. 5 of 1960 Article 6 "all land rights have a social function", this is true. This shows that land rights have a social purpose other than property rights. Any land title that a person has allows him to justify the use or not to use the property for his own benefit, especially if doing so is detrimental to society. In order to benefit the welfare and happiness of the people who own it and the community and the state, land use must be adapted to the circumstances and nature of its rights. Therefore, it does not necessarily mean that an individual interest will be pushed and suppressed by the public interest (society) in some situations. Individual interests are considered by the LoGA. The basic goal of balance is to balance self-interest with the interests of the community so that in the end prosperity, justice, and happiness are achieved for all people (Rahayu Subekti, 2016).

The government is currently advocating the construction of the Solo-Yogyakarta Toll Road as one of the property acquisitions for the public interest. The construction of the Solo-



Yogya Toll Road is a national policy project, and both the central and local governments will work hard to complete the implementation phase. The Solo-Yogyakarta-NYIA Kulon Progo Toll Road is expected to be able to provide easy accessibility and communication between regions, develop the areas traversed by toll roads, and encourage economic development in the Central Java region. The government established the Toll Road Development Program to assist the Borobudur Super Priority National Tourism Strategic Area, including this toll road. Three airports—New Yogyakarta International Airport in Kulonprogo, Ahmad Yani Airport in Semarang, and Adi Soemarmo in Solo will have access that supports smooth traffic after the construction of this toll road.

There are still obstacles in the procedure for purchasing land for the Solo-Yogya toll road, especially the problem of determining the amount of loss without going through a formal debate process. The amount of compensation did not change because the land acquisition committee unilaterally decided the amount. The parties who disagreed did not file a lawsuit, and the compensation money was then deposited in the District Court. The purpose of this study is to ascertain how compensation in land acquisition for public purposes is determined.

## **RESEARCH METHODS**

Empirical research method with descriptive research focus is applied in this study. To obtain the correct data needed from the results of observations and interviews, qualitative techniques were used with primary data sources which were carried out directly to the required agencies. To understand the various phenomena that exist in society, this empirical research looks for legal issues that exist there. This study directly evaluates secondary data, then evaluates field-based primary data (Soerjono Soekanto 2010). Interviews, laws and regulations, secondary legal materials, and other important documents are examples of secondary data, which also includes the original legal information in this form. To provide an overview as well as an explanation of the subject matter and research objectives as a result of research that has been completed, the data obtained can then be examined descriptively. It is possible to draw conclusions about certain aspects of the payment of compensation for the construction of the Yogyakarta-Solo toll road in Klaten because the descriptions and explanations are arranged systematically.

## **RESEARCH RESULTS AND DISCUSSION**

### **Research result**

There are 11 districts and 50 villages that have passed through the National Strategic Project, according to Central Java Governor's Decree No. 590/48 of 2020 dated 15 September 2020 regarding the determination of the location for land acquisition for the construction of the Solo-Yogyakarta toll road in Klaten Regency (PSN). In accordance with the provisions of Article 28 paragraphs (1) and (2) PP No. 19 of 2021 concerning the implementation of land acquisition for development in the public interest, the results of data collection can be summarized in a temporary form of a list of development plans that have been identified and signed by the head of the preparatory team as material for the implementation of public consultations on the development plan.

### **Discussion**

One of the government's efforts the welfare of its citizens is development for the benefit of citizens. A very large plot of land is clearly needed for the implementation of development initiatives in the public interest, but the government also needs land subject to property rights. Therefore, the action that can be carried out is to carry out land acquisition for the benefit of



the people at large. According to Article 1 Paragraph (2) PP Number 19 of 2021, Article 1 Paragraph (2) of Law Number 2 of 2012, and Article 1 Paragraph (2) of the Ministerial Regulation of ATR/BPN Number 19 of 2021, "Land procurement is the activity of providing land by providing appropriate and fair compensation." One method of land granting is through the implementation of land acquisition, which involves paying the land owner a fair and acceptable amount of compensation while taking into account the large or immaterial losses that may occur. Compensation can be given by ways: (1) cash gifts; (2) replacement land; (3) resettlement; (4) share ownership; or (5) other forms agreed upon by both parties. with the agreement reached during the land acquisition process is what is meant by resettlement, while participation in development efforts for the related public interest and/or implementation according to the agreement of the parties is a form of loss through share ownership. The combination of two or more forms of compensation, for example, is another format that has been agreed by both parties (Dekie GG Kasenda, 2015).

The initial step in carrying out development in order to improve the welfare of the community is considered as land acquisition for development for the public interest as a manifestation of the social function of land rights. The meaning of "public interest" is the interest of the nation, state, and society which must be realized by the government and also used for the greatest prosperity of the people in Article 1 Number 6 of Law no. 2 of 2012 and Article 1 Number 6 of Presidential Regulation No. 71 of 2012 (Urip Santoso, 2016). Article 10 of Law no. 2/2012 regulates the types of development activities that can be found in the public interest. These activities take the form of: national defense and security, public roads, toll roads, tunnels, railway lines, train stations, and rail operation facilities, reservoirs, dams, weirs, irrigation, drinking water canals, sewers and sanitation, and buildings. other irrigation, ports, airports and terminals, oil, gas, and geothermal infrastructure, generators, transmissions, substations, networks and distribution of electricity, telecommunications networks, and Government informatics, waste disposal and processing sites, Government hospitals/ Local government, public safety facilities, Government/Local Government public cemetery, social facilities, public facilities, and public green open spaces, nature reserves and cultural heritage, Government/ Regional/ Village Government offices, urban slum settlement arrangement and/or land consolidation as well as housing for low-income communities with rental status, educational or school infrastructure for the Government/Local Government, Government/Local Government sports infrastructure and public markets and public parking lots (Djoni Sumardi Gozali, 2017). The government is currently acquiring property for the development of the Solo-Yogyakarta Toll Road which will connect Yogyakarta International Airport in Kulon Progo. The National Strategic Project (PSN) of the toll road with the largest realization in 2022 includes the construction of the Solo-Jogja-Kulonprogo toll road. Adrian Prihutomo, President Director of PT Jogjasolo Marga Makmur (JMM), explained that the Solo-Jogja-Kulonprogo toll road, the first toll road in the Special Region of Yogyakarta (DIY), has a length of 96.57 kilometers (Jogjakarta Daily, 2020). According to the developer, the project will help the environment by promoting the expansion of the tourism industry and the local creative sector. The construction, which will eventually stretch for 96.57 kilometers and be divided into three parts, will cost a total of Rp 26.63 trillion. The three disputed sections are section 1 connecting Kartasura with Purwomartani for 42.37 kilometers, section 2 connecting Purwomartani with Gamping for 23.43 kilometers, and section 3 connecting Gamping with Purworejo for 30.77 kilometers (Good News From Indonesia, 2020). As explained by Mr. Sulistiyono as Head of the Land Procurement Section of the National Land Agency in Klaten Regency, he explained that the development in Klaten Regency has a track length of 34.90 kilometers which includes the Kartasura-Karanganom section with a track length of 12.90 kilometers, Karanganom-Klaten.



with a track length of 9.35 kilometers, Klaten-Prambanan with a track length of 8.15 kilometers, Prambanan-Manisrenggo with a track length of 4.5 kilometers. In the Klaten area, 4,071 parcels of land or 377,5214 ha are needed for the construction of the Solo-Yogya toll road. These parcels are grouped into 50 settlements and 11 sub-districts. Polanharjo, Delanggu, Ceper, Karanganom, Ngawen, Karangnongko, North Klaten, Kebonarum, Jogonalan, Manisrenggo, and Prambanan are among the eleven sub-districts (Okayzone.com, 2021). According to Law No. 2 of 2012 Article 13, the stages include:

1. Planning Stage.

The Solo-Yogya Toll Road Development Planning Document was created by the Ministry of PUPR in Klaten Regency during the land acquisition planning stage, and then submitted to the Governor of Central Java and the head of the Central Java Regional Office. The planning document prepared by the Ministry of PUPR contains: a) Development Goals and Goals, b) Compliance with regional spatial plans and national and regional development plans, c) land location, d) required land area, e) Overview of land status, f) Estimated time to implement land acquisition, g) Estimated period of land acquisition for land acquisition, h) Estimated land value, and then a plan document is prepared on the feasibility study containing socio-economic survey, site feasibility, cost analysis, development benefits for the area and community, may arise as a result of land acquisition and development in accordance with the provisions of Article 15 (1) and (2) of Law no. 2 of 2012. The document was then submitted to the Governor of Central Java and followed up by the formation of the Land Procurement Committee.

2. Preparation phase.

The Land Procurement Committee informs the public about the development planning at this stage in accordance with the explanations of Article 13 (1), (2), and (3) PP No. 19/2021. The notification is carried out through the face-to-face socialization stage or through print media, such as local or national daily newspapers, or through electronic media publicity through the website (Zulfa Dhea Fairuz Hofi, 2022). The kelurahan party was invited twice directly as part of the development of the Renacana notification process, which was then socialized to the residents. The inaugural meeting was held at the village hall on August 4, 2020, at 10:00, at which PPK Toll provided information to community members to support the planned toll road construction across three districts, Boyolali, Karanganyar, and Klaten. The KDP toll road also provides information on the stages of land acquisition and the mechanism for providing compensation. The second meeting was held at the village hall on August 10, 2020 at 10:00. Klaten BPN held this second meeting to outline the process of acquiring land for the construction of the Solo Yogya toll road.

Conducting initial data collection at the site, the first data collection from the land acquisition location has the objective of land acquisition with village officials. There are 11 districts and 50 villages that have passed the National Strategic Project, according to Central Java Governor Decree No. 590/48 of 2020 dated September 15, 2020 regarding the determination of the location of land acquisition for the construction of the Solo-Yogyakarta toll road in Klaten Regency (PSN). The Ngawen district, which has nine villages, has the most roads. The area with the fewest people is the Ceper district, which has only one village, namely the village of Kuncen. This data collection is carried out after the notification of the development plan. Data on the number of entitled parties whose land is used to build toll roads and information on land ownership are collected data. In accordance with the provisions of Article 28 paragraphs (1) and (2) of PP No. 19 of 2021 concerning the implementation of land acquisition for development in the public interest, the results of data



collection can be summarized in the form of a provisional list of development plans that have been known and signed by the head of the preparation team as material for the implementation of public consultations on the development of the Plan.

In addition, public consultation is a process of communication or consideration between parties with an interest in reaching an agreement on land acquisition planning in the context of developing public interests specifically on the Solo-Yogyakarta toll road in Klaten Regency. The purpose of this public consultation activity is to align the vision so that those affected by land acquisition do not bear the financial burden of losses, with the government intending to provide compensation taking into account the losses suffered from both a material and immaterial perspective. The government will also inform residents of the development plan as well as the methodology used by the assessment panel to determine compensation. In this activity, the community that does not want the location to be used for the construction of the Solo-Yogya Toll Road may raise objections. If an agreement has been reached between the public consultant and the land owner, the next step is to determine the development location through the issuance of the Governor of Central Java Decree No. 2020 (jatengprov.go.id), including:

- a. Polanharjo; Sidoharjo, Kranggan, Keprabon, Polan, Kahuman, Kapungan, Glagahwangi
- b. Delanggu; Sidomulyo, Mendek
- c. Ceper; Kuncen
- d. Karangnongko; Ngabeyan, Brangkal, Beku, Tarubasan, Kadirejo, Jungkare
- e. Ngawen; Tempursari, Manjungan, Pepe, Kwaren, Kahuman, Ngawen, Senden, Gatak, Duwet
- f. Karangnongko; Demakijo, Jagalan, Karangnongko, Gumul, Klaten Utara, Barenglor, Gerguung, Jebugan, Kebonarum, Malangjiwan, Karangduren, Menden
- g. Jogonalan; Granting, Perawatan, Joton, Wonoboyo, Somopuro, Tambakan, Dompokan, Tangkisan, Manisrenggo, Nangsri, Taskombang, Borangan, Barukan
- h. Prambanan; Joho, Kebondalem Lor, Kokosan

Announcing the location determination, in this announcement stage it is very important for the community, this is because if there are people who do not reach an agreement and feel disadvantaged, then an objection report will be issued with the aim that it can be verified further. On September 16, 2020, at 10:00 at the village hall, an activity was carried out, namely determining the location of the construction. If there are parties who protest after the location is chosen, the parties can initiate a lawsuit through the Administrative Court in their area no later than 30 working days after the location decision is issued. After accepting a case, the Administrative Court has 30 working days to decide whether to accept or reject it.

### 3. Implementation Stage

#### a. Measurement and Mapping per plot of Land

In this stage of measuring and mapping per plot of land, the National Land Agency office forms a team to carry out measurements and mapping at the site. Prior to the measurement and mapping, the committee had given a notification letter to the affected communities that the measurement would be carried out on September 21-28 and notified the residents to be at the location to show the boundaries to the measuring and mapping team. If the party concerned is unable to be present at the time of the measurement, that party can authorize someone who is trusted and has been appointed by making a power of attorney and stamped. Because the measurement process is



mandatory to be attended by the parties concerned. Furthermore, after the measurement process, the public will be notified or announced the results and the entitled party can file a 14-day objection to be submitted to the PPK Toll. The results of interviews with the head of the land acquisition division of the National Land Agency, it was determined that 4071 land sectors in Klaten Regency were affected by the construction of the Solo-Yogya toll road. These sectors cover a total area of 377,5214 ha also including 3,791 private properties and 280 village treasury properties.

b. Data collection of entitled parties and objects of land acquisition

If the ownership of the land certificate is still inherited, he must attach a SKHW (certificate of inheritance rights), which was obtained in the nearest village. The community is asked to collect data for the committee in the form of photocopies of KK, KTP, and the basis of rights (ownership rights, rights, and Letter C). All data obtained can then be forwarded to BPN.

c. Compensation Assessment

After land measurement, BPN provides measurement information to the assessment team of the Public Appraisal Service Office (KJPP). The land valuation is separated into 3 divisions according to the location of the land. Group I (Rp. 600,000/meter), Group II (Rp. 450,000/meter), and Group III (Rp. 250,000/meter). The results of the compensation are then announced in the Kelurahan, along with the amount of compensation given. The value given has been modified in accordance with the relevant Law, which previously used the Tax Object Selling Value (NJOP). The market price is the best option to compensate because, if using NJOP, the government will provide value to the community that is much lower than the market price. It is hoped that no one will feel disadvantaged as a result of the policy, which is the right step in achieving the state's goal, namely the welfare of the people.

d. Provision of Compensation and Waiver of Rights

Compensation will be given at the Village Hall on December 2 , 2021, at 10:00 WIB. In fact, problems often arise when the implementation of land acquisition is often caused by the process of calculating compensation payments which is considered inappropriate. Because the achievement of an agreement between the interested parties has not yet reached an agreement, this issue often involves a long process (Bernhard Limbong, 2011). The Land Procurement Committee and the community have agreed that the type of compensation for this loss is money in rupiah currency, which will be sent directly to the savings book with the name of the complaining party in question. The public is only required to sign the book of accounts and is immediately activated by this method to make reparations payments on behalf of the relevant party by opening a new account. If the relevant party is unable to attend, the party can entrust a power of attorney to another party that has been signed and stamped.

If in the process of providing compensation, there are parties who object or disagree with the provisions that have been decided, these parties have 14 days after considering the decision to reject the district court (Saristiyono, 2022). After considering the objections, the district court will decide the type and amount of compensation within a maximum of 30 working days. If any party disagrees with the district court's decision, those parties have a maximum of 14 working days to file an appeal to the Supreme Court. In addition, the Supreme Court must render a decision no later than 30 working days after receiving the appeal application. Legally binding District Court or Supreme Court decisions continue to serve as the basis for paying compensation to those who raise objections. It is important to remember that if a party with the option to reject the



compensation case does not object within the specified time period, the form and compensation are deemed to have been received by the relevant party.

#### 4. Result Submission Stage

Since the relinquishment of land rights, the chief executive of land acquisition has been assigned no later than 14 days to provide land acquisition results to institutions that require land. In Kabupaten Klaten, there are still some land owners who do not agree with the amount of compensation, and the compensation money has been deposited in the district court. This poses a challenge to the government's efforts to carry out land acquisition. Despite the fact that some parties disagreed with the amount of compensation provided by the government, the community still believed that the amount given was disproportionate. Thus the Land Procurement Committee can gather several people who do not agree with the value of the compensation provided so that an explanation can be given by the Toll PPK Party and the LMAN Party (State Asset Management Agency). The committee can re-explain to the public about the amount of compensation provided that has met the standard price that should be. It was found that 13 landowners did not agree with the compensation given, according to the results of the meeting. As a result, the district court is committed to a compensation fund. Compensation funds must be brought to the district court by the community. One example of a government obstacle is the LMAN validation process when issuing a Payment Application Letter, but the related party dies. If the subject dies when the payment application letter is released, it must be repeated with the inheritance certificate (Aji Batang Prasetya, 2022). LMAN was initially tasked with maintaining state assets, but at that time was also responsible for planning funds and using land reserves to pay compensation for land purchases (Triningsih and Aditya, 2019). When LMAN has verified the documents required to offer compensation, someone dies in the process, so LMAN must verify the documents from the start using an Inheritance Certificate. This is the cause that prevents the government from applying compensation to the people. Thus delaying the payment of government compensation to heirs who have land rights. When LMAN has verified the papers necessary to award compensation, This is the reason the government is unable to compensate the people. As a result, the payment of government compensation to heirs with land rights is being delayed.

#### CONCLUSIONS

Thus it can be concluded that the Mechanism of Determination of Compensation in Land Procurement for the Construction of the Solo-Yogya Toll Road is not fully optimal yet there are still many shortcomings because it is not fully in accordance with the existing laws. There are still people who object to the provision of compensation because they are considered not to pay attention to the rights of the people who are harmed and the community considers that the determination of the amount of compensation is done unilaterally. Therefore, the community has not reached an agreement on the provision of compensation and is forced to take the compensation money to the District Court Office. Because the compensation money has been entrusted to the local District Court Office.

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