

ABSTRACT

Rianda Riviyusnita, Legal Protection of Individual rights of Land ownership in the procurement of land for public purposes. Dissertation supervised by Prof. Dr. H. Zainudin Ali as Promotor and Prof. Dr. Faisal Santiago, SH. MM, as co promotor.

The research problems are 1. How is legal protection aspect on land acquisition for public purposes by the enactment of Government as the basic rules of principal subject of agrarian (UUPA)? 2. How is the implementation of government policies in the procurement of land for public purposes? 3. How is the model which disputes are conducted in the procurement of land for public purposes?

The object of this research is focused on the legal protection of individual land ownership in land acquisition in the procurement of land for public purposes pursuant to Presidential Decree No. 71 of 2012 on the Implementation of Development for Public Interest, which is regulated in the Law of the Republic of Indonesia No. 5 of 1960 on the Basic Regulation of Agrarian Principal.

This research is conducted with two major approaches at the same time, namely the approach of juridical normative and empirical. Normative juridical research is an approach that is intended to discuss the issues and rules and regulations that are used as tool.

The results of this research is found the legal protection of land acquisition for public purposes under Presidential Regulation No. 71 of 2012 on the Implementation of Development for Public Interest, against the ownership of land rights as set forth in the Law of the Republic of Indonesia number 5 of 1960 on the Basic Regulation of Agrarian Principal, in the implementation procedures the same with the provisions of the previous law, which emphasizes the aspects of deliberation in determining the compensation, as well as in the removal procedure of land rights. Implementation of government policy in the procurement of land for public purposes, normative. That is, the operational legal basis of Article 3 and Article 4 of Presidential Decree No. 71 of 2012 on the Implementation of Development for Public Interest. Furthermore, the element of the implementation of the formation of the committee, compensation and discussion, the writer describes the land acquisition in the project development of BKT. Dispute resolution models that can be implemented on the land acquisition for development for public interest, the approach model is through the application of resilience concept in land acquisition. The Researcher suggests that in order to prevent the occurrence of problems in land acquisition mainly related to the human rights based model, it should also apply the anti-eviction strategy in its regulation.

Keywords: Legal protection of land acquisition for public purposes.