

Juridical Analysis of Court Determinations on Land Acquisition Consignment

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Abstract: In the implementation of the Deliberation on the Form and/or Amount of Compensation in the Land Acquisition of Dhoho Kediri International Airport, there are Rights Holders who disagree with the deliberations; the Rights Holders who disagree do not submit an Objection to the local District Court, until finally, the Land Acquisition Implementer makes an Application for Custody of Compensation through the Court. The validity of the Compensation Custody through the Court is reviewed from Law Number 2 of 2012 and the legal consequences of the issuance of the Court Determination. This research uses a normative juridical method, which analyzes a legal problem using laws, books, journals, and other written works with legal standing. This study concludes that the Court accepted the Consignment Application because the Right Holder, who disagreed with the results of the Deliberation on the amount of compensation, did not file an objection to the District Court 14 days after the holding of the Deliberation on the Form and/or Amount of Compensation Agreement, and its existence could not be found. The validity is absolute, considering that the Land Acquisition Implementer has fulfilled the conditions of the Application. Regarding the legal consequences of the Court Determination, it is considered to be the termination of the legal relationship between the Right Holder and its land, it is deemed to be handing over the right to its land to the State, and the nature of the Determination is final so it must be accepted and implemented by all parties. In the end, the Right Holder accepted the results of the Consignment and was also present in the execution of the object in question.

1. Introduction

Indonesia as a constitutional state is clearly guided by the existing rules in policies relating to the rights of its citizens.¹ Land is the most important element for humans to live on. This is because land is a place where natural and man-made resources grow and are built. Indonesia even regulates land ownership through this Land Law so that land use or management can be carried out

¹ Renard Kananda Dipta, and Erik Syaputra Johan. "Tinjauan Pelaksanaan Konsinyasi Sebagai Tindakan Hukum Pemerintah Menurut Prinsip Welfare State". *Disiplin: Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum Sumpah Pemuda* 28 (3), 2022. 147-52. <https://doi.org/10.46839/diisiplin.v28i3.86>.

carefully in the present and the future.² Land is one of the natural assets controlled by the State of Indonesia as stipulated in Article 33 paragraph (3) of the 1945 Constitution. The word "control" means being authorized to regulate by issuing statutory regulations. Even so, land problems are still a problem that often occurs in society, primarily related to land acquisition for public purposes and accompanied by compensation.³ News circulated on the internet pages about implementing Land Acquisition at Dhoho Kediri Airport, where a Rights Holder felt it was unfair to what should have been received in the compensation agreement. According to the residents' confession stated in the news content by LP2M, some residents object to the drastic reduction in the price of the compensation offer, namely from 15 million/Rhu to 10 million/Rhu.⁴

Residents also admitted that it was more palatable when dealing with the private sector because the prices offered were higher, as well as a more delicate way of treating the community. In contrast, residents were not given a gap for price negotiations when transitioning to civil servants. Residents seemed to feel terrorized by how their houses were measured immediately under the pretext of carrying out their duties. During a negotiation meeting, residents were only told that their land was valued at patent prices without being given time to propose a price increase.⁵

Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) anticipated this and regulated it in Article 18. This was followed up with the issuance of Law Number 20 of 1961 concerning the Revocation of Rights to Land and Objects Thereon.⁶ The government provides facilities for land registration to provide legal certainty to every owner of land rights. Land registration is intended to obtain land certificates as legal and substantial evidence.⁷ As a mega project, a large land area is needed for Durable

² Dilla Nandya Oksitania, Erlina B, Yulia Hesti. "The Analysis of Consincing Money Deposits in The State Court As A Form of Accountability of Land Liberation Land Loading In Sumatera Toll Road In Kalianda State Court." (2021). *Jurnal Hukum Sasana*, 7(1), 70-78. DOI:[10.31599/sasana.v7i1.491](https://doi.org/10.31599/sasana.v7i1.491).

³ Setyawahyuningtyas, Lucia. "Efektivitas Penerapan Konsinyasi Dalam Pemberian Ganti Rugi Pengadaan Tanah". *Jurnal Hukum Caraka Justitia* 3 (1) 2023. 53-65. <https://doi.org/10.30588/jhcj.v3i1.1508>.

⁴ Rohimin, "Pembebasan Lahan Bandara Kediri Belum Sepenuhnya Mendapat Kesepakatan, Warga Dipaksa Gunakan Skema Konsinyasi," 2020, LP2M Corong. <https://lp2m.iai-tribakti.ac.id/pembebasan-lahan-bandara-kediri-belum-sepenuhnya-mendapat-kesepakatan-warga-pemkab-gunakan-skema-konsinyasi> Accessed on 11 Mei 16.10 WIB

⁵ Rohimin,

⁶ Wati Lestari dan Sarjita.. "Pengadaan Tanah di Indonesia dan Beberapa Negara Dari Masa Ke Masa," (Yogyakarta: STPN Press 2021). Page 12.

⁷ Setiyo Utomo. "Problematika Pengadaan Tanah." *Jurnal Ilmu Hukum, Perundang-undangan dan Pranata Sosial. Sienta* 4, vol 5 no. 2. 2020. Page 24. DOI: <http://dx.doi.org/10.22373/justisia.v5i2.8452>.

Procurement for Development for the Public Interest, regulated in Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest. The process of land acquisition for development for wide-ranging public interest is always carried out with the stages as stipulated in Law Number 2 Year 2012 and its implementing regulations.⁸ With the presence of the Job Creation Law No. 11 of 2020 and its implementing regulations, namely Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest, it is hoped that land acquisition can be carried out in a fair, transparent, and able to bring more prosperous Indonesian people.⁹

The definition of land acquisition is an activity to obtain land by compensating the party entitled to the land.¹⁰ Land acquisition activities are an act of the government to realize the availability of land to be used in various interests for development for the public interest. In general, land procurement has basic principles: democratic, fair, transparent, upholding human rights, and prioritizing the principle of deliberation.¹¹ When the essence of the public interest can be realized, the community will feel the development benefits for the public interest.¹²

the consignment of the compensation payment in court when an affected land owner rejects the compensation offered by the government institution that requires the land. Consignment has become a common practice in cases where the government and land owner can not reach a mutual agreement on land compensation during the negotiation time frame established by regulation.¹³ Consignment is the settlement of damages through the courts. Through the Land Release Team (TPT) and the Land Acquisition Committee (P2T), the government deposits compensation money according to the Appraisal Team's estimate in the

⁸ R. D. Langelo, "Penetapan Lokasi Dan Akibat Hukumnya Terhadap Pembayaran Ganti Kerugian Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum." *University of Bengkulu Law Journal*, 3(1), (2018). 68-78. <https://doi.org/10.33369/ubelaj.3.1.68-78>.

⁹ Wati Lestari dan Sarjita. Page 9

¹⁰ Setio Utomo. Page 22.

¹¹ Muhammad Yusrizal. "Perlindungan Hukum Pemegang Hak Atas Tanah Dalam Pengadaan Tanah Untuk Kepentingan Umum," *Jurnal De Lega Lata*, Vol 2 No. 1, Fakultas Hukum Universitas Muhammadiyah Sumatera Utara. 2017. Page 119. DOI: <https://doi.org/10.30596/dll.v2i1.1143>.

¹² P. Y. Raya, "Kepentingan Umum Dalam Pengadaan Tanah Bagi Pembangunan Berdasarkan Undang-Undang Nomor 2 Tahun 2012 Dalam Mewujudkan Kemanfaatan Hukum Bagi Masyarakat, (Yogyakarta: Doctoral dissertation, UAJY, 2015). Page.22.

¹³ Are S. Hutagalung, and Sationo, Triska (2021) "Consignment in Land Acquisition," *Indonesian Journal of International Law*: Vol. 8: No. 1, Article 8. DOI: [10.17304/ijil.vol8.1.253](https://doi.org/10.17304/ijil.vol8.1.253).

Court. Later, the court takes over the process of settling the compensation.¹⁴ The legal basis for implementing the Land Acquisition Consignment is the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2021 concerning Amendments to the Supreme Court Regulation Number 3 of 2016 concerning Procedures for Submitting Objections and Depositing Compensation to the District Court in the Procurement of Land for Development in the Public Interest.¹⁵

So, how do we resolve the legal issues mentioned above based on disagreement in the results of the Deliberation on the Form Agreement and/or the amount of compensation until the issuance of Court Determination Number decides the consignment: 1/Pdt.P-Kons/2021/PN Gpr which has permanent legal force. Ronny Hanitijo Soemitro, in his book entitled *Legal Methodology and Murimetry*, published in 1998, page 38, quoted by Rini Mulyani, stated that a problem is a statement that shows that there is a distance between hope and reality, between plan and implementation, between *das Sollen* with *and turn signals*. Distance between *das solen and das sein* is often in the form of *inequality, imbalance, or disparity*.¹⁶ Based on the brief description above, the problems that will be discussed are as follows validity of the consignment in determining compensation with the issuance of Court Determination Number: 1/Pdt.P-Kons/2021/PN Gpr and the legal consequences of granting compensation by issuing Court Determination Number: 1/Pdt.P-Kons/2021/PN Gpr

2. Research Method

The type of writing used in this work is Empirical Juridical with a sociological juridical approach. Empirical research methods use observation, experiments, or surveys to collect data. The data is then analyzed and interpreted to produce conclusions.

3. Validity of the Consignment in Determining Compensation With The Issuance of Court Determination Number: 1/Pdt.P-Kons/2021/PN Gpr

The principle of land acquisition for development in the public interest so that all people can benefit from it must comply with the latest legal provisions,

¹⁴ A. Fithry, & Sjaifurrachman, S. "Tinjauan Yuridis Tentang Tanah Hak Milik Yang Digunakan Oleh Negara Untuk Kepentingan Umum." *Jendela Hukum*, 3(1), (2016). 48-58. Page 57. DOI: <https://doi.org/10.24929/fh.v6i2.1560>.

¹⁵ Dhaniswara K. Harjono. "Tanggung Jawan Penilai dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum." *Jurnal Hukum Indonesia*. Vol. 2 No. 1 (2023): Page 66. <https://doi.org/10.58344/jhi.v1i2.7>.

¹⁶ Rini Mulyani. "Analisis Pengadaan Tanah Untuk Kepentingan Umum (Studi Kasus Pembangunan Jalan Tol Jorr West 2)." Fakultas Hukum Universitas Indonesia, tesis, 2013. Page 9.

namely Law Number 2 of 2012.¹⁷ Land acquisition is providing land by providing appropriate and fair compensation to the entitled party as stipulated in Article 1 number (2) of Law Number 2 of 2012.¹⁸ However, other things with the procurement of small-scale land that can be done by way of sale and purchase, exchange or other means agreed by both parties without going through the stages set forth in the laws and regulations implementation.¹⁹ The attachment between people and the land they own causes the process of taking over people's land without an element of "willingness" from the right holder will cause many problems.²⁰

The Head of the Regional Office of the National Land Agency (Kakanwil BPN) implements land acquisition.²¹ Land acquisition activities for development for the public interest have stages in their implementation. The stages of implementation in the land acquisition are the preparation of implementation, the formation of a task force, the announcement of the results of inventory and identification, the assessment of compensation, the implementation of deliberations, the submission of court objections, the payment of compensation and the release of land rights.²²

Land Acquisition Planning for the public interest is based on the National, Provincial, and Regency/City Spatial Plans and development priorities listed in the agency's medium-term, strategic, and work plans.²³ At the preparation stage, agencies that need land, together with the Provincial Government based on land acquisition planning documents, inform the community of the development plan, collect initial data on the location of the development plan, and conduct public consultation on the development plan. Initial location data collection

¹⁷ Pelaksana BPK JDIH BPK Perwakilan Provinsi Jawa Tengah. "Tulisan Hukum Konsep "Kepentingan Umum" Dalam Pengadaan Tanah Bagi Pembangunan Nasional Dalam Peraturan Perundang-Undangan Di Indonesia." 2019. Page 21.

¹⁸ D. Isnaeni, "Konsep Hukum Pengadaan Tanah Untuk Pembangunan Jalan Tol Dalam Perspektif Hak Menguasai Negara." *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang*, 3 (1), (2020). 93-105. Page 96. DOI: <https://doi.org/10.33474/yur.v3i1.5014>.

¹⁹ Rosana Dewi Langelo. "Penetapan Lokasi dan Akibat Hukumnya Terhadap Pembayaran Ganti Kerugian Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum". *University of Bengkulu Law Journal* 3 (1) 2018: 68-78. <https://doi.org/10.33369/ubelaj.3.1.68-78>.

²⁰ Muhammad Mulyadi. "Pusat Penelitian Badan Keahlian DPR RI, Implementasi Kebijakan Pengadaan Tanah Untuk Kepentingan Umum Di Jakarta Utara." *Jurnal Aspirasi* Vol. 8 No. 2. (2017). Page 146. DOI: <https://doi.org/10.46807/aspirasi.v8i2.1262>.

²¹ Wenny Yolanda Ratna Sari, dkk. 2021. "Evaluasi Pengadaan Tanah Skala Kecil Dengan Dan Tanpa Perantara Penetapan Lokasi di Kabupaten Sleman." *Jurnal Marcapada: Jurnal Kebijakan Pertanahan, Sekolah Tinggi Pertanahan Nasional, Yogyakarta*, vol 1 No. 1. Page 64. DOI: [10.31292/jm.v1i1.4](https://doi.org/10.31292/jm.v1i1.4).

²² Ibid. Page 64.

²³ Johan's Kadir Putra, Sri Endang Rayung Wulan, Usman Usman. "Pengadaan Tanah Bagi Pembangunan Jalan Lingkar Perkantoran-Coastal Road Di Kabupaten Penajam Paser Utara," *Jurnal De Jure*, Volume 11 No. 2. 2019. Hal 44-45. DOI: [10.36277/.v11i2.344](https://doi.org/10.36277/.v11i2.344).

includes the proper party's initial data collection activities and the object of land acquisition. The initial location data collection results are used to implement public consultation. A public consultation was carried out to obtain an agreement on the location of the development plan from the right party.²⁴

Based on the Determination of Development Location issued by the Minister of Transportation of the Republic of Indonesia, the agency that needs land submits the implementation of land acquisition to the local Land Institution. The stages in the implementation of Land Acquisition include: a). Inventory and identification, inventory and identification include measuring and mapping plots per plot of land and collecting data on the right parties and land acquisition objects. The announcement of the inventory and identification results consists of the rights, area, location, and map of the acquisition object's land plot.²⁵ Field maps and nominative lists that have been announced are used by the Public Appraiser to determine the value of Indemnity. The significant valuation of land compensation carried out by public appraisers includes several things, namely the value of fair compensation of land, the value of buildings, additional costs (moving costs, contract costs, and shop/similar businesses), the value of growing crops and compensation for the waiting period.²⁶ b). Compensation assessment,

to ensure objectivity in determining the value of compensation, Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest as amended by Law Number 11 of 2020 concerning Job Creation (Land Acquisition Law), stipulates that the assessment of land acquisition objects is carried out by an independent and professional Land Appraiser who has received an appraisal practice permit from the Minister of Finance.²⁷ The mechanism of consensus-building meetings (*musyawarah mufakat*) proves ineffective due to power imbalances between the airport authorities and the local community.²⁸ The amount of compensation is conveyed to the land institution using an event and becomes the basis for deliberation on the determination of compensation.²⁹ c). Compensation deliberations, the land institution deliberates with the entitled party after receiving the results from the appraiser to determine the form and/or amount of compensation. The results of the agreement in the deliberations are the basis for providing compensation to the entitled parties

²⁴ Ibid, Page 46.

²⁵ Ibid, Page 47-48.

²⁶ Ibid.

²⁷ Ibid, Page 63.

²⁸ Zainal Arifin, Emi Puasa Handayani, and Naufal Ghani Bayhaqi. "An Examination of the Application of Law No. 2 of 2012 Regarding Land Procurement for Projects in the Public Interest, Focusing on the Resolution of Land Disputes for the Construction of Kediri Airport". *International Asia of Law and Money Laundering (IAML)* 3 (2) 2024: 70-79. <https://doi.org/10.59712/iaml.v3i2.89>.

²⁹ Ibid, Page 48-49

contained in the minutes of the agreement.³⁰ d). Indemnification, the term compensation refers to losses land rights holders suffer due to transferring their rights.³¹ With compensation receipt, the Entitled Party must release its rights and submit proof of land control or ownership through the Land Institution. The Entitled Party no longer has the right and authority over the land concerned.³²

Submission of Land Acquisition Results: At the stage of handing over the results, after the compensation and release of the rights of the land acquisition object, the Chief Land Acquisition Executive submits the results of land acquisition in the form of land and land acquisition documents to the agency that requires land accompanied by land acquisition data no later than seven working days after the release of the rights of the land acquisition object. After the land acquisition results are handed over, the agencies that need it can immediately use it for development and are obliged to register the land they obtain.³³

The legal instrument that allows the state to acquire privately owned land for the development of the public interest by way of land procurement is based on Article 33 paragraph (3) of the 1945 Constitution as the concept of the right to control the state, which is further regulated by the authority of the right to control the state in article 2 paragraph (3) of the UUPA.³⁴ The principle of the Right to Control the State is embodied in Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest, previously regulated in Presidential Regulation 65 of 2006.³⁵

The consignment is at the stage of Land Acquisition Implementation, precisely after there is a disagreement in the Deliberation of the Form Agreement and/or the Amount of Compensation. When there is no agreement on the form and/or amount of compensation, there are 2 (two) actions that can be done; the first is a legal remedy that the Land Rights Owner can take to submit an Objection to the Local District Court, while the second is by the Land Acquisition Implementing Party to submit an Application for Deposit of Compensation to the District Court or what is called consignment. If the deliberation cannot reach a consensus, the Entitled Party can submit an objection to the local District Court.³⁶ Land Rights Holders who disagree with the Deliberation results on the Form and/or Amount of Compensation can submit an Objection to the local

³⁰ Johan's Kadir Putra, Sri Endang Rayung Wulan, Usman Usman. Page 49.

³¹ Ibid, Page 81.

³² Dhaniswara K. Harjono. Page 66.

³³ Ibid. Page 50.

³⁴ H. Zarkasih, "Pelaksanaan Prinsip Keadilan Dalam Pemberian Ganti Rugi Pengadaan Tanah Untuk Kepentingan Umum (Studi Kasus Pelebaran Jalan Raya di Kota Praya Kabupaten Lombok Tengah)." *Jurnal IUS Kajian Hukum Dan Keadilan*, 3(2). (2015). Page 384. <https://doi.org/10.12345/ius.v3i8.219>.

³⁵ Diyan Isnaeni, Page 95.

³⁶ Dhaniswara K. Harjono, Page 66.

District Court up to 14 (fourteen) days after implementing the Grand Deliberation and/or the Form of Compensation.

From the results of consideration in the clause of essential consideration of objection that shows elements detrimental to the Rightholder, the court will decide on the result of the compensation. In the next event, if the party who disagrees with the deliberation results on the form and amount of compensation does not submit an Objection to the Court, then the Land Acquisition Implementing Party has the right to submit an Application for Deposit of Compensation Money Through the Court. problems in the provision of compensation, namely differences in community understanding regarding deliberations to determine compensation, objections to the amount of compensation, parties who have the right not known their whereabouts, payment of separate compensation for land and buildings that have been consigned and disputes over ownership of land acquisition objects.³⁷

With the provision that the district court is obliged to receive the deposit of compensation within a period of 14 (fourteen days), then regardless of the party who is entitled to accept or reject the amount of compensation offered to be paid, at the end within a grace period of 14 (fourteen) days the district court is obliged to accept the deposit of the compensation, and as mandated in Article 43 of the Land Acquisition Law, that at the time the compensation has been deposited in the District Court, the ownership or right to the land of the entitled party becomes deleted. The evidence of his rights is declared invalid, and the land becomes land directly controlled by the State.³⁸

4. The validity of consignment in determining compensation with the issuance of the Kediri Regency District Court Determination Number: 1/Pdt.P-Kons/2021/PN Gpr concerning Consignment of Land Acquisition

The basis for the Court's consideration in deciding the case is: based on Article 5 of the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2016 jo. Perma No. 2 of 2021 concerning Procedures for Submitting Objections and Depositing Compensation to the District Court in the Acquisition of Land for Development for the Public Interest states: if there is no agreement regarding the form and/or amount of compensation, the entitled party can submit an objection to the local District Court within a maximum of 14 (fourteen) days after deliberation on the determination of compensation. The imbalance between the need for infrastructure development and the protection of the rights

³⁷ Giffon Samosir, Sarjita, and Koes Widarbo. "Pemberian Ganti Kerugian Dalam Pengadaan Tanah Untuk Pembangunan Runway 3 Bandar Udara Internasional Soekarno-Hatta". *Tunas Agraria* 3 (3). 2020. <https://doi.org/10.31292/jta.v3i3.127>.

³⁸ Ibid. Page 201.

of affected communities reflects the weak implementation of the principle of justice in land acquisition.³⁹

Based on the results of the deliberation on the determination of the amount of Compensation Money, which was held on November 18, 2021, located in the Hall of SMPN 3 Grogol Kediri, which was stated in the Minutes based on the Respondent's objection was as the legal owner of land, covering an area of 1,080M2 located in Bulusari Village, Tarokan District, Kediri Regency, East Java Province and within the specified grace period of 14 days (December 2, 2021) after the Compensation Deliberation, which was held on November 18, 2021, the Respondent did not file an objection to the Court.

Based on Article 24, paragraph 1 of the Perma, which states that An agency that needs land can apply Compensation Custody to the Court in the event of fulfilling one or more circumstances, including the party who has the right to reject the form and/or issuance of Compensation based on the results of the Compensation Determination Deliberation but does not submit an objection to the Court or the party who has the right is not known to exist.

The consignment related to the land acquisition for the construction of Dhoho Kediri International Airport was carried out based on disagreement from the Right Holder on behalf of Mr. Nyamin, who rejected the partial results that were the basis for the deliberations on the compensation agreement and did not file an objection to the District Court. So, based on this event, the Land Acquisition Implementation Party submitted an Application for Deposit of Compensation Money to the Kediri Regency District Court.

The results of the analysis of the materials obtained show it is possible that this incident occurred because, in the middle of the process of carrying out deliberations until the consignment application, the Right Holder experienced problems with health, resulting in death, so he was unable to take legal action. The results of the analysis of the Certificate of Inheritance by the Head of Bulusari Village Number: 594/05/418.79.03/2022, dated February 14, 2022, show that on January 21, 2022, Mr. Nyamin passed away. Judging from one of the oldest Heirs, namely in the name of Suprpto, born on May 16, 1966, at the time of the decision to accept the Consignment, namely December 31, 2021, Suprpto was 55 years old. Reviewing this data, it can be concluded that Mr. Nyamin is classified as elderly. With this age category, the author concludes that it takes work to take legal action independently.

³⁹ Tri Aprilidya, and Wicipto Setiadi. "Legal Analysis of Supreme Court Decisions on Community Land Compensation: A Case Study of the Jatikarya Toll Road Project". *Ganaya : Jurnal Ilmu Sosial dan Humaniora* 7 (1) 2024: 369-79. <https://doi.org/10.37329/ganaya.v7i1.3815>.

Finally, the Court issued a Determination with a Number: 1/PDT. P-KONS/2021/PN Gpr dated December 31, 2021, and Relas Notification of the Contents of the Determination of the Kediri Regency District Court Case Number: 1/PDT. P-KONS/2021/PN Gpr dated January 4, 2022, explains that the Kediri District Court granted the Application for Custody of Compensation Money. Furthermore, the Respondent, represented by the Heirs, received and took the compensation money deposited through the Court, so as to provide legal certainty for the implementation of land acquisition.⁴⁰ The collection of compensation money carried out by the heirs is contained in the Minutes of Withdrawal of Compensation Money Case Number: 1/ Pdt.p/Kons/2021/PN Gpr dated February 21, 2022; this event means that the Heirs as the representative of the Right Holder or Mr. Nyamin have received compensation from the Land Acquisition process. So, in this case, it also shows that the Rights Holder and the Heirs did not make any objections at all and agreed to the results of the consignment of compensation determined by the Kediri Regency District Court.

Regarding the validity of the consignment, reviewing the evidence and existing rules, the decision/determination is valid and has been made according to existing regulations. Considering that the Rights Holder and the Heirs did not take any legal action in the form of any objection at all, and on the basis that the Land Acquisition Implementer had fulfilled the conditions of the consignment application, based on the legal provisions that the Court was obliged to accept the Consignment Application.

At this stage of the Consignment Application, the Court has tried offering Compensation Money. Still, the Respondent could not be met during a visit by the Court, as evidenced by the Minutes of Offer for Payment of Compensation Money Case Number: 1/Pdt.P-Kons/2021/PN Gpr dated December 23, 2021. Which contains an Offer of Compensation Money worth Rp. 2,167,270,784 (two billion one hundred and sixty-seven million two hundred and seventy thousand seven hundred and eighty-four rupiah) by Arif Hariyanto, A.Md., S.H., witnessed by Mujiono, and Mochamad Maschur who is also a Bailiff of the Kediri Regency District Court. It is explained that; "I did not meet with the Respondent; the house was empty. I conveyed this to the Head of Bulusari Village, and the Head of Bulusari Village explained that the Respondent no longer lived at that address."

Thus, because the Respondent could not be met and its whereabouts were unknown, the Kediri District Court granted the Consignment Application and ordered the Kediri Regency District Court Registrar to keep the compensation

⁴⁰ Andi Abrinawaty, Baso Madiung, and Yulia. A Hasan. "Analisis Hukum Pengadaan Tanah Untuk Pembangunan Jalan Rel Kereta Api Di Kabupaten Pangkajene dan Kepulauan". *Indonesian Journal of Legality of Law* 5 (1) 2022.: 83-91. <https://doi.org/10.35965/ijlf.v5i1.1913>.

deposit. If the Court has accepted the consignment, the Court does not have the right to review or interfere with how the land acquisition implementation process is carried out. The court is only authorized to carry out the contents of the consignment application.

Given that there is a legal facility to submit an Objection to the local District Court, it is good that in the deliberation of the agreement on the compensation results, the Land Acquisition Implementer also socializes how the mechanism of the Objection Application. It does not stop at the submission of information that if deliberation does not reach an agreement/consensus in the event of an agreement, compensation will be provided through the Judicial Institution. This will cause unfavorable speculation from the public about who could be better about legal issues. It can also be conveyed that in the implementation of objections to the Judicial Institution, all costs charged by the Judicial Institution will be borne by the Land Acquisition Implementer so that it can cause reasonable speculation for the public in wanting to take the Judicial route if it is indeed unable to reach a consensus in the deliberation on the form and/or the amount of compensation.

In preparing for the subsequent legislation, it is good to have an independent Legal Advisor who functions explicitly to assist and educate the community to defend their rights as holders of Legitimate Land Rights. Land acquisition on consignment must use the principles of agreement, humanity, and justice.⁴¹ By analyzing the Land Acquisition Law and its implementing regulations regarding the implementation of the Agreement Deliberation and Procedures for Objections to the Court and Consignment, the Community can't be able to fight for their rights independently; in this case, the State/Government provides a facilitator subject that functions to provide legal advocacy to the Rights Holder Community for free, as the Land Acquisition Implementing Party accompanied by a Legal Advisor and represented by his Legal Representative.

5. Legal Consequences in Providing Compensation with the Issuance of the Kediri Regency Court Determination Number: 1/Pdt.P-Kons/2021/PN Gpr Regarding Consignment at Dhoho Kediri International Airport

The legal consequences of the issuance of the Court Determination Number: 1/Pdt.P-Kons/2021/PN Gpr are; must be accepted and implemented by all parties, the termination of the legal relationship between the Right Holder and his Land, and the Court's Determination is final so that the objecting party cannot appeal other than filing an appeal to the Supreme Court. The right to

⁴¹ Nurazima Faizrosadi, Pujiono Priyono, and Irma Cahyaningtyas. "Penitipan Ganti Rugi Pemegang Hak dalam Pengadaan Tanah Pembangunan Jalan Tol Batang." *Notarius* 13, no. 2 (2020): 605-618. <https://doi.org/10.14710/nts.v13i2.31081>.

compensation can be achieved by receiving and taking the proceeds of the consignment through the District Court. Based on the results of the data obtained, the Entitled Party finally agrees and accepts what is determined by the Kediri District Court by accepting the consignment results from the Implementation of the Land Compensation. Another effort that the Rights Holder made was to be present during the execution procession of the consigned object.

Although the Right Holder has yet to receive the compensation results at the same time as the stipulation of the Decree, due to the granting of the Application for Custody of Compensation by the District Court, the legal relationship between the Right Holder and the Land has been broken. The right to the land has been transferred to the State. Regarding the legal relationship or the right to receive compensation from the Land Acquisition Implementer, in this condition, the Land Rights Holder no longer has a direct bond with the Land Acquisition Implementer; the Rights Holder can only receive compensation from the consignment proceeds that the District Court has accepted.

Based on the evidence obtained, the Right Holder represented by the Heirs finally agreed by accepting the results of the Compensation contained in the Minutes of Taking Compensation Money in Case Number: 1/Pdt.P-Kons/2021/PN Gpr dated February 21, 2022 as compensation for the land belonging to Mr. Njamin with an area of 1,080 M² (one thousand eighty square meters) with proof of ownership of the Certificate of Ownership Number 266 located in Bulusari Hamlet South RT.004 RW. 003 Bulusari Village, Tarokan District, Kediri Regency.

The collection of compensation money also ended the process of implementing the consignment at the Kediri Regency District Court on the land owned by Mr. Nyamin. In this case, it is a continuation of the deliberation stage of the agreement on the form and/or amount of compensation that did not reach an agreement. Furthermore, with the issuance of the Court Determination, the Land Acquisition Implementation Party can continue the Land Acquisition process by submitting Land Acquisition Results to Agencies that need land. Further certification is carried out independently by the Agency that needs land to accelerate the development process.

The holder of the right to land, if he disagrees with the result of the deliberation of the compensation result, should take the legal route by submitting an Objection to the District Court 14 (fourteen) days after the implementation of the Deliberation on the Form and/or Amount of Compensation, if he is unable to carry out the legal remedy independently, the Entitled Party may also appoint a Legal Attorney to represent him in the judicial process Application for Objection.

In the case of an objection application, the court will test related elements requested as the basis for the objection application, showing the existence of elements detrimental to the land rights owner. Suppose the Entitled Party does not file an objection to the Court, and the Land Acquisition Implementing Party has submitted a consignment in such a situation. In that case, the Entitled Party can respond to the Clerk's Officer assigned by the Court to offer the amount of Compensation, and the Court will review whether the substance of the application is what all parties want or not until later a consensus is reached and determined by the Court.

With the issuance of the Court Determination, the community/Rights Holder can receive compensation as soon as possible to restore their economy so that in the future, it will not become a society with economic backwardness. Furthermore, the Right Holder can also vacate his land and/or participate in the execution process to save objects that are still considered necessary and worthy of storage so that they are not destroyed during the execution procession.

6. Conclusion

Based on the data obtained in this case, it is already complex if the Land Acquisition Executor submits a Consignment Application because the Party that has the right other than rejecting the results of the Deliberation on the Form and/or Amount of Compensation Agreement also does not submit an Objection to the Court. Its existence cannot be found when the Court makes the Compensation Offer. By fulfilling both formally and materially the requirements of the Consignment Application, the Kediri Regency District Court accepts the Consignment Application from the Land Acquisition Implementer. The consequences and legal consequences of the issuance of the Court Determination are that it must be received and implemented by all parties, is final so that no appeal can be made except for Cassation to the Supreme Court, and sever the legal relationship between the Land and the Right Holder. Based on the Court's determination, the Land Acquisition Implementing Party can continue the Land Acquisition Process. At the same time, the Entitled Party can receive compensation through the results of the Consignment that has been deposited with the Court.

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