

Pelaksanaan Pembebasan Tanah dalam Rangka Pengadaan Tanah bagi Pelaksanaan Pembangunan untuk Kepentingan Umum. (Analisis Kasus Pembebasan Tanah oleh PT. Jasa Marga (Persero) di Kelurahan Pasanggrahan Kecamatan Pesanggrahan Jakarta Barat)

Dedek Yuliona, author

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Abstrak

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The National Land Law stipulates that land procurement for the interest of the public as outlined in the principles of land procurement must be conducted through deliberation to reach settlement, whether in terms of land hand over or the compensation, and duress in any form and by whomever to the right holder is not allowed, including duress in using the institution of "payment offer followed by contingency at District Court". The implementation of land acquittal by PT. Jasa Marga (Persero) at Sub-district of Pesanggrahan, District of Pesanggrahan, South Jakarta, is deemed necessary to be examined since it has arisen a question whether it is conducted based on the applicable laws and regulations and how the protection is for the land right holder whose land is still on dispute. The research makes use empirical normative method and constitutes a fact finding research with explanatory research typology since it is aimed to find the fact on the problem that arises, and then the problem is explained and described in more detail. This research is expected to give solution to the existing problem by providing several suggestions to the stakeholders, so from the viewpoint of its form, it is also a prescriptive research. Data collecting is conducted through literature study and interview using judgmental sampling method. Following examination against the problem that arises, the data obtained are then analyzed using qualitative. analysis method. The outcome of the research reveals that the land acquittal conducted by PT. Jasa Marga (Persero) is in accordance with the prevailing laws and regulations, and the right holders of land that is still on dispute are given protection in the form of guarantee that compensation will be given to the right holders and in sufficient amount. It is recommended that the government determine land price in an objective and actual manner, not only when conducting land procurement for public interest, and give compensation by considering social, economic, and cultural factors of the community whose land is acquitted.