



Land Acquisition Authority Dispute Model: Case Study of the Construction of the Makassar–Parepare Railway in Pangkajene Regency and the Islands of South Sulawesi Province

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Authors' contributions

This work was carried out in collaboration among all authors. All authors read and approved the final manuscript.

Article Information

DOI: 10.9734/AJESS/2023/v49i41212

Open Peer Review History:

This journal follows the Advanced Open Peer Review policy. Identity of the Reviewers, Editor(s) and additional Reviewers, peer review comments, different versions of the manuscript, comments of the editors, etc are available here: <https://www.sdiarticle5.com/review-history/110459>

Original Research Article

Received: 14/10/2023

Accepted: 19/12/2023

Published: 27/12/2023

ABSTRACT

This research aims to create an effective dispute resolution model for land acquisition authority. Qualitative research design with a case study approach. Data collection techniques through interview observation and document study. The informants consisted of leading and supporting stakeholders, analyzed using a qualitative descriptive method with content analysis techniques through in-depth interpretation and meaning by simplifying data, presenting data and conclusions and validating the data-by-data triangulation. The researchers' findings show that the mechanism for obtaining authority from the parties in land acquisition can be through attribution, Delegation, and mandate. So that an effective SENADA model can be created that can help resolve land acquisition authority disputes. It is essential to involve all relevant parties in the implementation and development of this model. It is hoped that it can speed up the performance of land acquisition; the same model is effective and can be improved.

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Keywords: Dispute; land acquisition.

1. INTRODUCTION

Land is a fundamental need for human life; all human life activities, both directly and indirectly, always require land. The State controls land and natural resources. Control by the State is mandated in the constitution: "Earth, war and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people" (Article 33 Paragraph (3) of the 1945 Constitution); the further implementation of which is regulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. The aim of the right to control from the State is to be used to achieve the greatest possible prosperity for the people, in the sense of happiness, well-being and freedom in society in the Indonesian legal State, which is independent, sovereign, just and prosperous.

In order to realize the goals of the Government of the Republic of Indonesia and create a prosperous, just and prosperous Indonesian society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the State needs to make efforts to fulfil citizens' rights to work and a living that is worthy of humanity. To make this happen, adequate facilities and infrastructure are needed; infrastructure development is one of the flagship and priority programs of the current government.

The policies contained in the Nawa Cita and implemented through the fourth National Medium Term Development Plan (RPJMN) (2019-2024) are the basis for active development by the current government. Infrastructure development is expected to accelerate economic growth and develop connectivity as an embodiment of the ideological path towards national independence and equitable development in all regions throughout Indonesia. Efforts for change related to the investment ecosystem and acceleration of national strategic projects require legal breakthroughs that can resolve various land issues from several laws into one law in a comprehensive manner. The government has stipulated Law Number 11 of 2020 concerning Job Creation; Article 10 letter (b) of the Job Creation Law states that what is meant by land is for the public interest: public roads, toll roads, tunnels, railway lines, train stations and train operating facilities. In order to guarantee the implementation of development for the public interest, the land is needed through land

acquisition by prioritizing humanitarian, democratic and fair principles.

Land procurement is the activity of providing land by providing appropriate and fair compensation to the entitled parties in Article 1 number 2 of Law Number 2 of 2012. Article 3 of Law Number 2 of 2012 explains the purpose of land acquisition for the public interest, providing land for the implementation of development in order to improve the welfare and prosperity of the nation, State and society while still guaranteeing the public interest. The party entitled to development in question is infrastructure development to strengthen the foundation of sustainable development.

The government has stipulated Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest. This Government Regulation is to implement the provisions of Article 23, Article 173, and Article 185 Letter B of Law Number 11 of 2020 concerning Job Creation. This Government Regulation is also intended so that land procurement for development in the public interest can be carried out better by considering various aspects. The operational implementation of land acquisition is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 19 of 2021 concerning Provisions for Implementing Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest. There are four stages of land acquisition for public purposes, including planning, preparation, implementation, and delivery of results.

The aim of infrastructure development is to support increased national economic growth, and it must be realized that land acquisition activities are the key to success in economic development programs based on infrastructure activities. A successful land acquisition process, a fast, safe and smooth process, must be the focus of the stakeholders. The essence of development is the realization of human rights, including infrastructure development that requires land. The land also has a social function; therefore, everyone has the right to use the ground as well as possible, from the land for agriculture to land for regional development. The implication is that

land acquisition for the public interest has an impact on increasing agrarian conflicts, especially influenced by the value of compensation, which is considered not yet appropriate and fair.

The development of an area will be interconnected with land needs, so the government often takes advantage of conditions in procuring land for public facilities. The status of land is very important to provide certainty of rights and legal certainty over land in Indonesia, so to provide rights to a plot of land, it is necessary to carry out a land registration process. Land registration in Indonesia has different obstacles, one of which is access to legality for making land documents and administration costs that the public cannot afford. Likewise, with land registration in Pangkajene and Islands Regency, there are also problems with access to physical evidence. The limited number of supporting documents is what has resulted in delays in land acquisition in Pangkajene and Islands Regency. Land that does not have a certificate document certainly does not have definite land boundaries, so land boundaries are often encroached upon, which gives rise to conflicts between the community and the local government and some of the land disputes that occur also originate from group/family land disputes (inheritance) against individual land control in Pangkajene and Islands Regency. Many people in Pangkajene and Islands Regency own land in villages with the status of state land, which has been controlled and cultivated from generation to generation. Therefore, land acquisition policies must also pay attention to the country's lands.

The development of railway transportation infrastructure is expected to be able to overcome transportation and congestion problems. The Trans-Sulawesi railway line is a railway network built to reach important areas on Sulawesi Island, with the initial stage of the Makassar-Parepare railway line requiring 200 kilometres of land through land acquisition, which is included in the list of national strategic projects as in the Presidential Regulation of the Republic of Indonesia Number 3 of 2016. For land acquisition needs for the railway line construction project from 2017 to 2021, the State Asset Management Institute (LMAN) has disbursed funds amounting to Rp. 2.695 trillion, with the realization that as of January 2022, the payment of land acquisition funds had been paid 81.87 per cent of the total allocation. There are ten railway line construction

projects whose land acquisition has been financed by LMAN, including the construction of the Makassar-Parepare railway line, Kompas.com (20/1/2022). Another land acquisition carried out in Pangkajene and Islands Regency is the construction of a siding track towards Tonasa and the station, which started in 2019.

Even though these two railway line construction projects have positive implications for all residents in South Sulawesi, they can provide a multiplier effect for the community around the lines and stations as well as the region and not only support community mobility but also support the logistics and tourism sectors. Apart from that, it can absorb local workers and encourage regional and national economic recovery, but there are many obstacles to its implementation, especially in land acquisition. The main obstacle to land acquisition is that most residents whose land is affected by land acquisition for the construction of the railway line reject the large compensation value of the land, buildings and plants growing on it.

The authority of each stakeholder in carrying out land procurement for development in the public interest has been regulated and stipulated in Law No. 2 of 2012, and its implementing regulations have been amended several times, most recently with PP Number 19 of 2021 with its technical implementation Regulation of the Minister of State for Agrarian Affairs Number 19 of 2021. In the planning stage, the authority lies with the agency that requires the land, in this case, the Sulawesi Railway Management Centre; in the preparation stage, the authority of the Provincial Government; the implementation stage is the responsibility of the Land Acquisition Executor which consists of a task force consisting of the National Land Agency, Regional Government, and related agencies, and the Agency that requires the land as well as the Land Appraiser. The stage of handing over the results to the authority of the agency requiring land and the land procurement implementer.

The implementation of land acquisition is hampered at the implementation stage; this is because it involves many stakeholders, and although each stakeholder has regulated authority, there is overlap in implementation, especially authority in determining the amount of compensation money. Based on information gathered by the SINDO news Team media crew (December 16 2021), there are at least 3,197

square meters of land in Marumpa Village, Marusu District, Maros Regency, which the owner is reluctant to release to use as a railroad track. There are still residents who reject the prices given by the government. In fact, so far, the land acquisition process for the railway project in Maros Regency has reached 93%. So that the progress of land acquisition can be easier, the railway project management involves the Indonesian National Army and Indonesian Republic Police in the land acquisition process. The railway project in South Sulawesi can be completed soon so that people can benefit because the train has become the dream of South Sulawesi residents, and they can enjoy it like residents on Java and Sumatra Island. "That there are residents who are reluctant to have their land released because they feel that the price that has been set is too low, even though the price has been determined by the racial team based on ideal calculations from the central government."

Meanwhile, only 3.5 km of land acquisition progress for the railway remains. He is optimistic that he will be able to resolve this through a persuasive and educational approach. Furthermore, of the total track length of around 150 km, construction of around 43 km has been completed, and in the process of implementation, 60 km is on the main line, and 10 km is on the siding track towards Tonasa. (<https://makassar.sindonews.com/read/630527/713/bebas-tanah-problem-klasik-penghambat-project-kereta-api-di-sulsel-1639660349>). The lawyer for 82 landowners in Pangkep and Maros, told Detikzone.net media (August 24 2022) that several individuals from various institutions had played games and deliberately harmed landowners. It needs to be underlined that we never intended to hinder this project. But the way they treated the people was not at all justified both in terms of humanity and the law, he said; during three months of document verification in the field, many things were found that were deviant. "Including allegations of markups in the land acquisition budget which are detrimental to the state," he explained. They gave an example of one of their findings in the field, where there was a plot of land that was only less than 30 centimetres wide but was valued at approximately IDR 400,000, while the surrounding land was valued at IDR 60,000. Not to mention, there are several names who do not own land but are registered as recipients of rights. "We have found confusion so far. "The problem is that everything from data collection on

land plots to the settlement process in court is not carried out correctly according to the rules, such as those who are suspected of having a title valued at approximately IDR 400,000, while residents who don't have a title are valued at IDR 60,000," he continued. So far, he said, a number of landowners assisted by him have not wanted to take the compensation money entrusted to the Court. Apart from feeling unfair and far from a fair price, the initial land acquisition process was also accused of being problematic. "Yes, no one wants to take it. Moreover, there are many who want to receive it, but the money is not even in Court. "Well, the basic problem is that the price given to them is far from reasonable," he explained. They have written and reported to a number of agencies, from the Judicial Commission to President Jokowi. They hope that, with the findings of legal violations that they have obtained, the central government can create an investigation team (<https://detikzone.net/2022/08/25/pembebasan-tanah-rel-kereta-api-pangkep-maros-diduga-jadi-business-event/National-Zone>).

According to the Chairman of the Pangkajene and Islands District Court (Farid Sopamena), based on the Republic of Indonesia Supreme Court Regulation Number 3 of 2016, it is the Court's obligation to receive the deposit funds for the landowner. The total payment is IDR 5,140,452,000 for three villages and sub-districts, and the party is waiting for compensation costs of around IDR 23 billion. Nevertheless, Farid Sopamena promised to pay the Consignment entrusted to the Court to the villagers affected by the railway project immediately. (<https://www.noderakyat.co.id/2020/07/62-warga-pangkep-cepat-konsinyasi-ganti-rugi-pemberan-tanah-kereta-pi.html>).

According to data from the Pangkajene and Islands District Court, land has been vacated for the Makassar-Parepare route (main line) based on Supreme Court Regulation Number 2 of 2021, totalling 37 plots, and based on the letter of request for Consignment of vacancy from the Sulawesi Regional Railway Management Center, the Pangkajene District Court will carry out vacating the land located in Pattalasang Village, Labakkang District which has been on Consignment, vacating the four plots of land is planned for October 4 2022, but until the end of October 2022 the vacating cannot be carried out due to the time it was carried out.

Constating (matching) the land, the Sulawesi Regional Railway Management Center was

unable to indicate the boundaries of the object land to be vacated, so re-measurements could not be carried out by the Pangkajene and Islands Regency Land Office. The empirical reality is that 1) The number of consignments (depositing compensation money that the public is unwilling to accept), 2) The location has been determined since 2017, and 3) Discrepancies or objections from the public and NGOs (Non-Governmental Organizations) regarding complaints and news in newspapers. Based on data available from the Pangkajene and Islands Regency Land Office, it is known that: 1) for the main line, the target is 40.5 km long, with an area of 203.8 hectares, with a total of 2196 plots; (a) Direct Payment Request Letter (SPP-LS) for 159 areas, (b) Consignment for 1,857 areas, (c) Public Facilities/Social Facilities (Public Facilities/Social Facilities) for 180 areas. 2) 671 stations and track sidings; (a) SPP-LS as many as 509 plots; (b) Consignment as many as 18 plots; and (c) Public facilities as many as 44 plots.

Land Acquisition Location Determination, which is the basis for the implementation of land acquisition for the Makassar-Parepare mainline railway line in 2017, was extended to 2020 and ended on July 7 2022; measurements, inventory, and announcements took place in 2020; payments started carried out in 2020, determining the location of stations and track sidings implemented in 2019, measurements, inventory and announcements will take place until 2020 and the first payment in 2021. Results of the coordination meeting for the extension of location determination for the construction of the Makassar-Parepare Railway line on August 9 2022, at the Sulawesi Regional Railway Management Office, they have not been able to decide on the extension or determination of a new location for the Makassar-Parepare railway line, so that the Land Acquisition Executor for this activity can no longer carry out land procurement activities, while in reality there are still many consignments that have not yet been completed. Paid or the community is not yet willing to accept or collect the Compensation Money, to collect the compensation money that has been consigned or entrusted to the Court, you must bring a letter of introduction from the Chief Executive of Land Procurement, in this case the Head of the Pangkajene and Islands Regency Land Office, this raises new problems, where people who are willing to receive and will take compensation money that has been entrusted or consigned to the Court cannot take it because the Land Procurement Executor has

not yet been appointed based on the determination of the new location which will provide an introduction to taking the compensation money.

The problem of rejection of compensation money by the community, which resulted in a large amount of compensation money being entrusted to the Pangkajene District Court and the government's coercive efforts against the land of residents who refused it as well as a protracted settlement resulted in a dispute over the authority of stakeholders at the land acquisition stage for the construction of the railway line in Pangkajene and Islands Regency.

2. LITERATURE REVIEW

Authority in Public Administration, of course, we often hear the term authority or authority in State Administrative Law. In general, authority or authority in State Administrative Law is power that utilizes resources to achieve organizational goals. Authority is a characteristic of a country that has power. Power is in the form of a relationship between one party who gives orders and another party who is given orders. Conceptually, the term authority is a very influential element in Administrative Law (Governance Law) because the government can manage its obligations based on the authority it will obtain. Authority in the Big Indonesian Dictionary is defined in line with the word authority, namely power and also the right to do something (Peter & Yeni, 1991).

According to Philipus M. Hadjon [1]. Every government action is required to rely on legitimate authority. This authority is obtained through three sources, namely attribution, Delegation and mandate. Ridwan (2016) also explained the same thing, that government authority comes from statutory regulations, meaning that the source of authority for the government is statutory regulations. Theoretically, authority originating from statutory regulations is obtained in three ways, as stated by defenseman H.D van Wijk/Willem Konijnenbelt, as follows: (a) Attribution is the granting of governmental authority by legislators to government organs, (b)) Delegation is the Delegation of government authority from one government organ to another government organ, (c) Mandate occurs when a government organ allows its authority to be exercised by another organ on its behalf.

Authority in public administration is the rights and responsibilities possessed by parties involved in government to carry out duties and functions in accordance with applicable rules and regulations. This authority is related to the implementation of public policies, decision-making, provision of public services, supervision and control Mubarak & Trisna, [2]. In public administration, authority is divided into two, namely formal authority and informal authority. Formal authority is authority granted directly through laws or statutory regulations. Meanwhile, informal authority is authority that is based on trust and legitimacy given by the community (Dewi & Hasibuan, 2021).

Public services and government administration are a function of various factors. Among the factors that influence public services and government administration are institutions, personnel, processes, supervision and accountability. With regard to the above, it can be explained that the Principles of Authority for Land Acquisition are related to two things, namely:

2.1 Land Acquisition Authority

Land is the main basic capital in development and is also the main need of the community, so the implementation of land acquisition can be problematic due to conflicts of interest between the government, business entities and landowners. Therefore, in implementing land acquisition, various factors must be considered, such as community interests, government interests and public interests, so that the land acquisition process must be carried out by following the principles of good governance, such as accountability, transparency, public participation and justice. In this case, it is necessary to ensure that the policies and actions taken in land acquisition do not harm the interests of society as a whole and provide maximum benefits for development progress.

Land procurement is the process of obtaining rights to land for public purposes, such as infrastructure development, industrial area development, residential development, and so on. Land procurement is usually carried out by the government or interested business entities. In carrying out land acquisition, the government has the authority to carry out actions such as land acquisition, providing compensation, and regulating land use. This authority is granted by applicable laws or regulations and aims to

ensure that land acquisition is carried out fairly and transparently.

Land acquisition authority is the authority given to the government and other public institutions to acquire land from its owners for public purposes, such as infrastructure development, area planning and development of other public facilities. This authority is regulated in Law Number 2 of 2012 concerning Land Acquisition for Public Use Development. Land and development are two things that cannot be separated, two things that are interrelated. Availability of land for development is urgent, even though it sometimes causes problems. Along with development projects initiated by the government, land problems will also arise, problems that often occur due to limited land availability while the government needs land for development. Land in development is an important factor to support its success, especially for the construction of various public interest facilities; land that is large enough is necessary to support the implementation of the program. The problem that often arises is related to the very limited availability of land, while the number of people who need land is increasing.

Land Acquisition Authority is the right or authority given to the government and public institutions to carry out the process of acquiring land from its owners with the aim of fulfilling public interests, such as infrastructure development, area restoration, development of public facilities, and so on. Land acquisition authority covers several aspects, such as determining land status, land appraisal, compensation payments, dispute resolution, and handling social impacts [3].

2.2 The Essence of the Legal Principles of Land Acquisition

Legal principles in land acquisition refer to a set of values and principles that must be followed in the implementation of land acquisition to ensure that the process is carried out fairly, transparently and in accordance with applicable laws and regulations. Legal principles in land acquisition are legal rules that must be obeyed and implemented by the government or public institutions in carrying out land acquisition. These principles aim to ensure that land acquisition is carried out in a fair, transparent manner and based on applicable laws [4]. Several legal principles in land acquisition include:

Literally, principles or principles mean basis, foundation, fundamentals, soul and ideals.

Etymologically, a principle or Principle is a general proposition stated in general terms without specifically mentioning the method of implementation. In this regard, according to Marbun (1988), principles can also be called understandings and values, which are the starting point for thinking about something. The words Principle have the same or parallel meaning; according to the KBBI (Indonesia Dictionary), the Principle has a basic meaning, something that becomes the foundation, basic ideals, and basic law. The word Principle, according to Machmudin (2003), is an absorption from the English language Principle. Principles or principles are a source or because that is the starting point for something, something that is inherent in everything, which determines its essence, essential nature.

According to Raharjo, [5] legal principles are the heart of legal regulations; legal principles are the broadest basis for the birth of legal regulations; in addition, legal principles are a bridge to legal regulations that connect legal regulations with positive law with ideals. -social ideals and ethical views of its society. Sapiro further stated that legal principles are not legal regulations, but no law can be understood without knowing the legal principles contained in it. Therefore, to understand a law, you cannot just look at the legal regulations, but you must dig into the legal principles. According to Raharjo [4], it is this legal Principle that gives ethical meaning to legal regulations and the legal system. Apart from being called the basis for the birth of legal regulations, according to Raharjo [4], legal principles can also be called the reason for the birth of legal regulations; these legal principles will not exhaust their power by giving birth to a legal regulation but will continue to exist and will give birth to regulations. - next rule.

Based on the meaning of legal principles as explained above, the researcher concludes that legal principles or legal principles are not legal norms but are something that underlies the formation of legal norms; legal principles are also not concrete legal regulations but are the background for the birth of concrete legal norms, legal principles are not stated in the form of concrete regulations in the form of articles. Ideally, every legal norm must be based on legal principles or principles because legal norms are a concrete embodiment of legal principles or principles.

3. METHODS

This research is classified as a type of self-administered survey research, which is a type of research that is applied to collect primary data by asking individual informants questions to collect information from groups representing stakeholders. In this regard, this research uses a type of survey research as the formulation is to obtain basic data in order to obtain a general picture that is useful for making public policy plans and for expressing public opinions, attitudes and hopes. The data extracted from informants is related to the disputed model for land acquisition authority in Pangkajene Regency and the Islands of South Sulawesi Province, which is consciously and individually experienced by stakeholders. This type of research involves the researcher in the event or situation being studied. For this reason, researchers need depth of analysis when conducting research and the process of finding research results. This is intended to provide a systematic, factual and current description of the natural situation and conditions of the research object.

The research approach used is qualitative, namely describing or describing a phenomenon that exists in the field based on facts about the truth itself, clearly defining the differences and marking something that is called as it is so that it takes the form of descriptive evidence. The descriptive method is a problem-solving procedure that is investigated by describing or depicting the condition of the subject or object of research in a person, institution, society and others based on facts that are visible or as they are. To describe what the research problem is, the information and data obtained are carried out by recording the data and information.

This research aims to analyze and explain the model of land acquisition authority disputes in Pangkajene and Islands Regency. The data sources in this research are primary data and secondary data.

The informants in this research are key informants and supporting informants who can provide information directly. So the research informants consist of 4 classifications, namely: a) Stakeholders consist of 2 groups, namely: 1) Main stakeholders, namely (1) Head of the National Land Agency regional office, (2) Regional Government, (3) Chairman of the Pangkep Regency, Regional House of Representatives, (4) Head of the Land Office, (5)

Sulawesi Regional Railway Management Centre, (6) Land Appraiser (Public Appraisal Services Office), (7) Chairman of the District Court and (8) Chief Registrar of the Pangkep District Court (9) Community land owners.

The focus of this research is the dispute over land procurement authority in Pangkajene Regency and the Islands of South Sulawesi Province with the mechanism for obtaining authority of the parties in land procurement, which will be studied, namely: (1) Attribution is the granting of government authority by the legislator to the organ government to make decisions, (2) Delegation relates to the Delegation of government authority from one government organ to another government organ to make "besluit" and this authority becomes its responsibility, and (3) Mandate relates to when the authority of a government organ is delegated carried out by other organs with permission and acting on behalf of the one who gives authority, however.

The collection technique is carried out by 1) Interview, 2) Observation, 3) Focus Group Discussion, and 4) Document Review. The collected data is then analyzed, where the activity in data analysis is to group data based on variables from all informants, presenting data for each variable studied. The data analysis technique used in this research is data analysis, namely data analysis, which is carried out continuously from the beginning until the completion of the research simultaneously, namely: 1) data collection, 2) data simplification, 3) data presentation and 4) verification.

4. RESULTS AND DISCUSSION

Effective land acquisition authority dispute resolution model. Authority or power refers to the understanding and analysis of how power or authority is distributed, exercised and regulated in a system such as authority, control and power relationships between the parties involved. The mechanism for obtaining authority from parties in land acquisition can be carried out through three indicators, namely attribution, Delegation and mandate.

Land procurement for development often gives rise to conflicts or problems if negotiations fail, especially in reaching an agreement regarding determining the location, form and/or amount of compensation for the release of land rights. Therefore, for the release of land in the context

of land acquisition by the State, there needs to be a legal umbrella that can be used as a benchmark for resolving problems. The public service strategies of the parties in resolving land acquisition authority disputes must pay attention to principles that support accountability, transparency, conditionality, participation, equality of rights, and balance of rights and obligations. Procurement of land for development is for the public interest, giving respect to land rights holders by providing legal protection and by providing fair and appropriate compensation to entitled parties, but in reality, the rights holders who are granted often experience a decline in quality compared to their original condition before release. Land rights [6].

Land acquisition authority disputes have different characteristics, so strategies are needed to resolve them. Disputes over authority in land procurement occur because the acquisition of authority at each stage of land procurement implementation does not proceed in accordance with Law Number 12 of 2012 and its implementing regulations. The stage of land acquisition where authority disputes predominantly occur is at the implementation stage of land acquisition.

For the construction of the Makassar-Parepare railway line in Pangkajene and Islands Regency, specifically at the implementation stage, there were authority disputes, including:

1. Unconstitutional authority: Unconstitutional authority in the construction of the Makassar-Parepare railway line in Pangkajene and Islands Regency includes the payment of compensation money to the parties by third parties with bailout funds before the UGR from LMAN is available and the payment of compensation money to third parties based on notarial deeds and statements from the parties on the nominative list for land acquisition. The strategy for resolving authority disputes is through improving regulations by establishing mediation institutions.
2. Non-physical objects/or objects for Social Facilities that are not assessed: Land appraisers, in assessing the amount of compensation money, do not take into account non-physical objects/or objects for public facilities such as the costs of moving graves. The strategy for resolving this

dispute is to improve regulations by giving negotiating authority to land procurement implementers.

There is no independent supervisor: In the implementation of land procurement, from the planning, preparation, implementation and delivery of results, there is no independent institution to supervise, so in the implementation of procurement, there are many disputes, conflicts and cases between the government and the entitled parties related to the amount of compensation, lack of transparency in the land procurement process, the potential for corruption in the land procurement process, legal processes that take time and money in resolving disputes, challenges in realizing land procurement is carried out in a fair manner and in accordance with statutory regulations, this gives rise to disputes over land procurement authority. The solution strategy is to improve regulations by establishing a land procurement supervisory institution so that the implementation of land acquisition can proceed in accordance with established procedures and the stakeholders involved are protected from legal proceedings.

Mechanisms for obtaining authority, such as attribution, Delegation and mandate, play an important role in land acquisition. A clear and transparent authority acquisition process can ensure that the parties involved have sufficient and appropriate authority to carry out land acquisition responsibilities. In land acquisition, disputes can arise between the government, landowners and other related parties. Public service strategies that are accountable, transparent, conditional, participatory, equal in rights, and effective balance of rights and obligations, such as mediation approaches, inclusive public consultations, or fair dispute resolution mechanisms, can help resolve disputes that arise in the implementation of land acquisition. This can speed up the process, reduce tensions, and ensure fairness for all parties involved.

Based on the concept of 6 (six) aspects of public services developed, namely 1) Accountability, 2) transparency, 3) conditional, 4) participatory, 5) equality of rights, the balance of rights and 6) obligations, the researcher formulated a model for resolving disputes over land acquisition authority which were named the Effective SENADA Settlement Model (R Agus Marhendra, 2023). This model has the potential to resolve land acquisition authority disputes effectively.

This Effective SENADA Settlement Model prioritizes an approach where stakeholders/parties achieve common goals in land acquisition, create sustainable agricultural patterns, and have a positive impact. This model can be seen in Fig. 1.

Based on the researchers' results, Novelty Research Findings: Effective SENADA Completion Model is as follows.

Philosophically, the meaning of the word "harmonious" is related to harmony, unity, or harmony in a context. The word congruent is often used to imply uniformity or compatibility between different elements, whether in music, art or in social relationships. Harmony reflects harmony or unity in relationships, referring to situations where people work together in harmony, respecting and supporting each other, creating the idea of harmony, oneness and harmony in a particular context.

In the context of resolving land acquisition, "Senada" is an abbreviation of "Se means dispute, Na means authority, and Da means land acquisition." Effective land acquisition authority dispute resolution means that authority disputes can be resolved by improving land procurement regulations, including:

1. Mediation Institution: A mediation institution is a special institution responsible for handling land procurement authority disputes, including members of the parties involved in the implementation of land procurement, including the Court, land procurement implementing committee, agencies requiring land, regional government, regional apparatus and staff the president is given a special task to handle national strategic programs, as a dispute resolution team for land acquisition authority.
2. Negotiating authority: Negotiating authority is the authority to hold negotiations involving various parties who have certain authority to carry out negotiations and reach agreements with the parties in land acquisition. The scope and limitations include the substance to be negotiated and to be agreed upon by the parties. The parties can determine the level of authority and authority they have in making decisions during negotiations, including strategic decisions, acceptable

compromises, or agreements that can be reached. The authority for these negotiations is given to the land procurement implementing committee.

- Supervisory Institution: The supervisory institution is tasked with supervising and monitoring the entire process, ensuring legal compliance, and ensuring transparency of land acquisition. The supervisory agency is an integrated team consisting of Government Internal Oversight Apparatus from the Ministry of Ministry of Agrarian Affairs and Spatial Planning / National Land Agency, Government Internal Oversight Apparatus from agencies requiring land, law enforcement officials and Financial and Development Supervisory Agency.

4.1 Limited Model Test

4.1.1 Test the feasibility of the model

Feasibility testing was carried out to ensure that the model developed was suitable for application in Pangkajene and Islands Regency. The feasibility test was carried out by comparing the

model with existing land acquisition authority dispute resolution models.

The scheme of the test mechanism for land acquisition authority dispute resolution models can be seen in the following picture:

The value of the novelty of the land acquisition authority dispute resolution model compared to the previous model is:

- Speed up the land acquisition process, especially the process of paying compensation money to those entitled to it after negotiating authority is accommodated in regulations so that physical work can be carried out immediately.
- Land procurement implementers can avoid procedural, administrative and legal process errors by having an independent supervisory institution in land acquisition regulations.
- Speed up the land acquisition process because every problem in land acquisition is resolved through a mediation institution that is approved in the land procurement regulations.

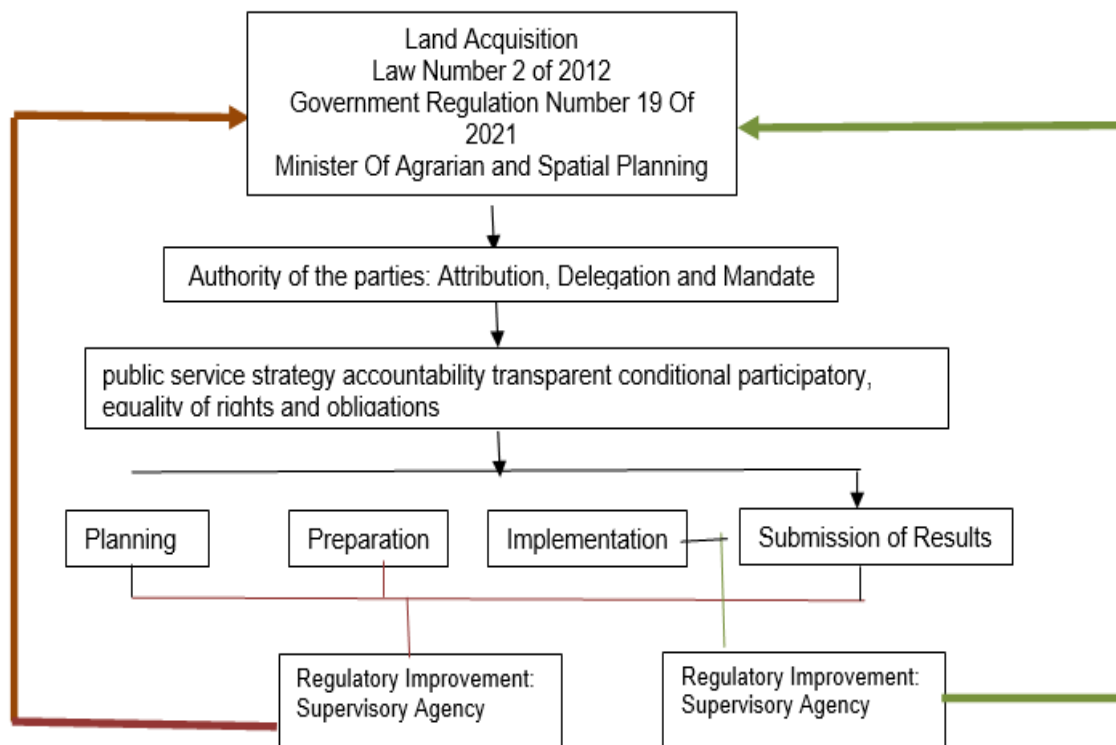


Fig. 1. Effective SENADA solution
(R Agus Marhendra 2023)

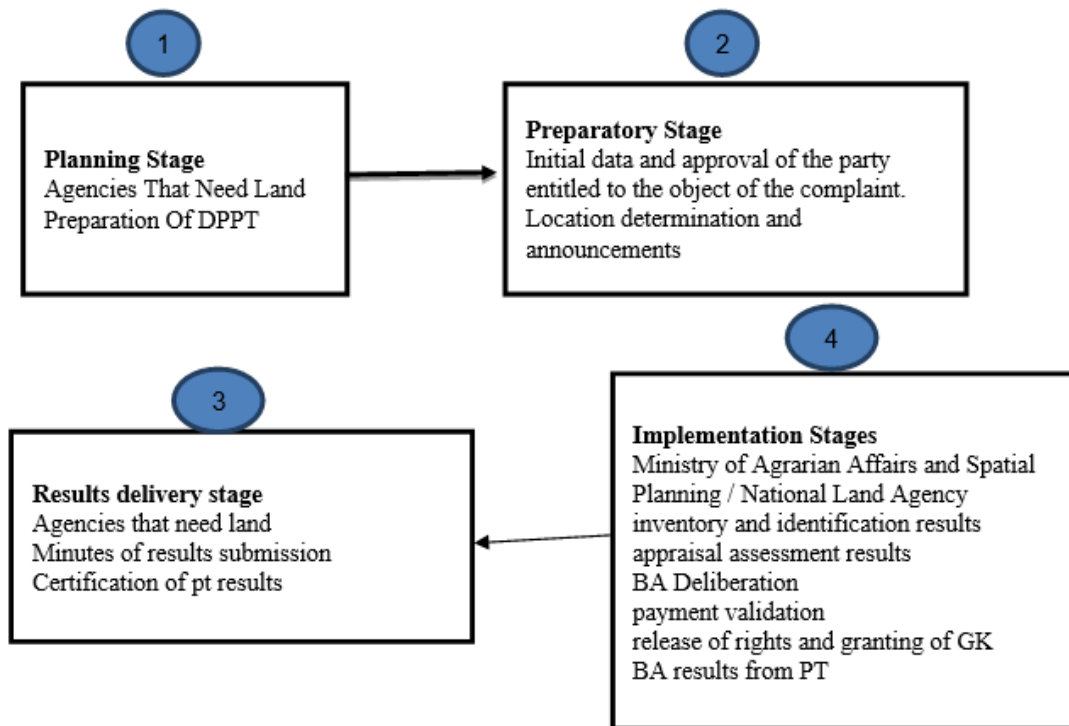


Fig. 2. Existing model

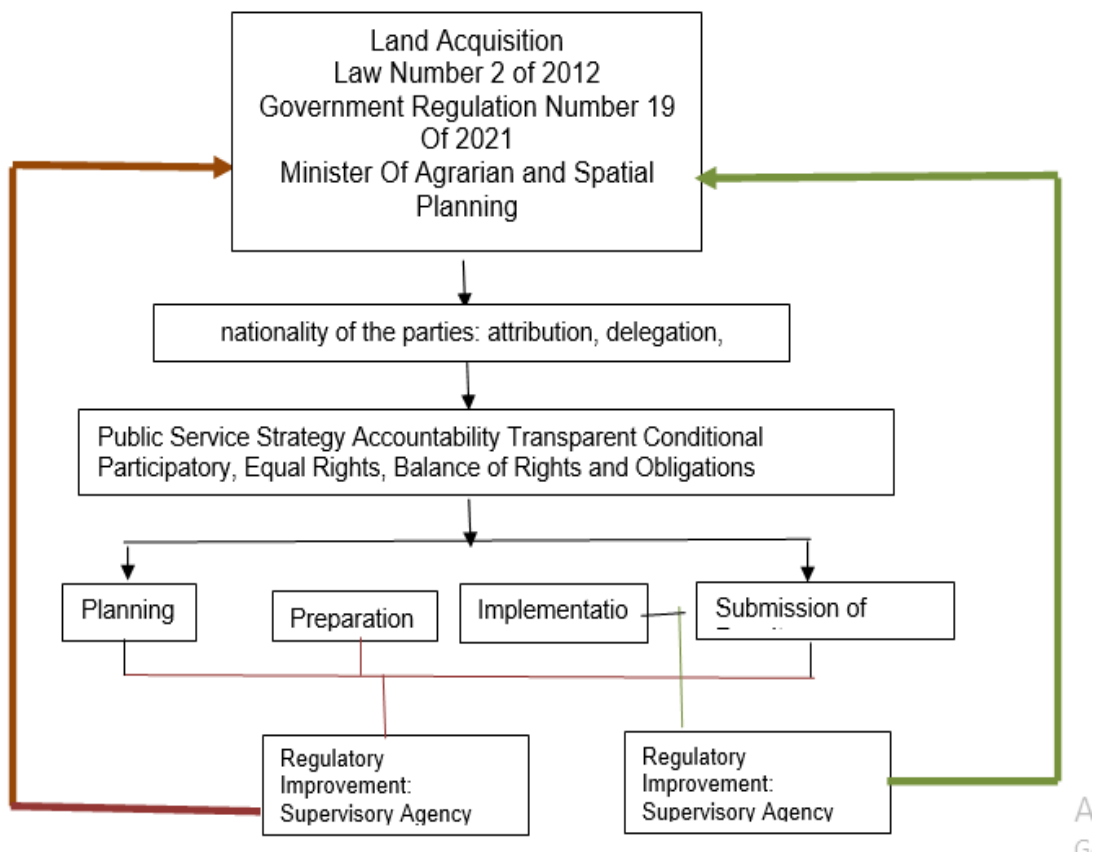


Fig. 3. New model

4.1.2 Test the effectiveness of the model

Researchers have tested the effectiveness of the land acquisition authority dispute resolution model. This effectiveness test was carried out to find out whether the model could achieve the desired goal, namely, to resolve land acquisition authority disputes quickly, efficiently and fairly.

This effectiveness test was carried out on land procurement authority disputes, namely disputes between the Pangkep Regency Government and landowners regarding land acquisition for the construction of railway roads. In this effectiveness test, the model for resolving disputes over land acquisition authority used is the mediation model. Mediation is carried out by a mediator appointed by the Pangkep Regency Government.

The results of this effectiveness test show that the mediation model can be an effective alternative resolution of land acquisition authority disputes. Mediation can help parties resolve disputes quickly, efficiently, and fairly.

The following are several indicators used to measure the effectiveness of the mediation model in resolving land acquisition authority disputes:

A. Completion time

Dispute resolution time is an important indicator in measuring the effectiveness of the mediation model. An effective mediation model can resolve disputes in a relatively short time. In this effectiveness test, the dispute resolution time through mediation was 30 days. This time is shorter than the time for resolving disputes through Court, which is around six months.

B. Cost

Dispute resolution costs are another important indicator to measure the effectiveness of a mediation model. An effective mediation model can resolve disputes at relatively low costs. In this effectiveness test, the cost of resolving disputes through mediation was IDR 10 million. This fee is lower than the cost of resolving disputes through Court, which is around IDR 50 million.

C. Satisfaction of the parties

Satisfaction of the parties is an important indicator to measure the effectiveness of the

mediation model. An effective mediation model can provide satisfaction to the parties to the dispute. In this effectiveness test, the satisfaction level of the parties to the dispute was 90%. This level of satisfaction shows that the parties are satisfied with the results of the mediation.

Considering that the effective implementation of the SENADA resolution model is by improving regulations, the researchers carried out this limited test by implementing a model that has not yet been refined to regulations but has actually been implemented in the field.

Limited testing was carried out at several land acquisition locations where there were disputes over authority and potential conflict in communities affected by land acquisition, both directly affected and affected, namely in Bontokio Village, Minasatene District, Taraweang Village, Ma'rang District and in Pattalasang Village, Labakkang District, Regency. Pangkajene and the Islands. Pamelolo. Based on these criteria, the three regions meet the requirements to apply the SENADA settlement model effectively.

4.1.3 Test the sustainability of the model

Testing the sustainability of the dispute resolution model for land acquisition authority in Pangkajene and Islands Regency in terms of community welfare was carried out to assess whether the model could provide sustainable benefits for the community. This test was carried out by identifying the potential impact of the model on the level of community welfare.

Based on the results of the sustainability test, the land acquisition authority dispute resolution model in Pangkajene and Islands Regency has the potential to become a sustainable model. This model has good stability, high adaptability and great economic benefits.

A. Increased revenue

The model for resolving disputes over land acquisition authority in Pangkajene and Islands Regency is expected to increase regional income originating from land sales. This can provide benefits to society, namely in the form of increasing development and community welfare.

B. Increased mediator capacity

Increasing mediator capacity can help mediators to resolve disputes more effectively and

efficiently. The Pangkep Regency Government needs to provide training and assistance to mediators on an ongoing basis.

C. Increased mediation accessibility

Increasing the accessibility of mediation can help society utilize this model more widely. The Pangkep Regency Government needs to provide adequate facilities and infrastructure for mediation, as well as provide outreach to the community about mediation.

D. Increased support from the government

Increased support from the government can help ensure that this model can be used sustainably. The Pangkep Regency Government needs to allocate an adequate budget to support the implementation of the mediation model.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

The effective SENADA settlement model in land acquisition for the construction of the Makassar – Parepare railway line in Pangkep Regency is an effort for the supremacy of law, institutional strength and public participation.

5.2 Suggestions

The parties involved in land acquisition should obtain authority through a combination of attribution, Delegation and mandate, and the parties' public service strategies in resolving authority disputes so that they can implement the SENADA settlement model effectively because it can produce a wider and more sustainable

impact in resolving authority disputes. Parties in land acquisition.

COMPETING INTERESTS

The authors have declared that no competing interests exist.

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Peer-review history:
The peer review history for this paper can be accessed here:
<https://www.sdiarticle5.com/review-history/110459>