

Land Acquisition for Public Interest Development: Legal and Regulatory Perspectives in Indonesia

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ABSTRACT

Land acquisition for public interest development in Indonesia is rife with conflicts and challenges, both in legal, social, and economic aspects. This research aims to analyze the implementation of the law in the land acquisition process, focusing on aspects of transparency, justice, and dispute resolution. The research employs a qualitative approach with a normative juridical method. It analyzes land acquisition for public interest development in Indonesia. The results indicate that while the law offers a robust legal foundation to safeguard landowners' rights, its implementation is marred by deficiencies, including insufficient socialization, the presence of land mafia, inconsistencies in land valuation, and protracted dispute resolution processes. This study underscores the imperative for enhanced coordination among government agencies, fortified supervisory mechanisms, and enhanced protection for affected communities to optimize the efficacy and fairness of the land acquisition process. In conclusion, the findings of this study offer a series of recommendations to enhance the efficacy of implementing the Land Acquisition Law, thereby facilitating the realization of equitable development objectives.

Keywords: *Land Acquisition, Public Interest, Legal Regulation.*

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INTRODUCTION

Land acquisition is a crucial stage in infrastructure development for public purposes. Infrastructure such as highways, bridges, dams, and other public facilities requires sufficient land to function optimally. Without proper land acquisition, infrastructure development projects may not proceed as planned, and may even be delayed or halted altogether. Infrastructure development is not only related to physical and technical aspects but also involves social, economic, and environmental concerns. Land acquisition for public purposes aims to ensure that development projects are carried out efficiently and deliver maximum societal benefits. The land used must meet various standards and regulations, ensuring the process is transparent and fair.

Proper land acquisition can support economic growth, enhance interregional connectivity, improve the quality of life, and strengthen national resilience. Appropriate

infrastructure can also reduce congestion, speed up the distribution of goods and services, and facilitate access to public facilities such as hospitals, schools, and markets (Sopiyati, 2023). However, despite its importance, land acquisition for infrastructure development in Indonesia often faces various challenges that can hinder the smooth progress of projects (Prabaningrum et al., 2023).

The land acquisition process in Indonesia often encounters challenges that affect the smooth execution of infrastructure projects. Some of the key obstacles include limited available land, issues related to land ownership, resistance from the community or landowners, slow negotiation and compensation processes (Daud, 2025), corruption (Lingga et al., 2022), abuse of power, and lack of coordination among relevant agencies (Dewi et al., 2024).

The objective of this analysis of the legal aspects regulating land acquisition for public infrastructure development in Indonesia is to examine the regulations governing land acquisition for public purposes, both at the national and regional levels, to provide a clear understanding of the applicable legal framework. It aims to outline the procedural steps required in land acquisition for public purposes, considering the rights of the parties involved, including landowners and the surrounding communities. This analysis also seeks to present the legal challenges faced during the land acquisition process, such as legal disputes, inappropriate compensation assessments, and conflicts between public interests and individual rights. Furthermore, it evaluates the social, economic, and cultural impacts of land acquisition on affected communities and seeks solutions to minimize these negative effects. Finally, it offers recommendations and suggestions for land acquisition policies that can enhance effectiveness and efficiency while ensuring social justice for communities impacted by development.

METHOD

This research is a qualitative study employing a normative juridical approach. The study will analyze land acquisition for public infrastructure development in Indonesia. The data sources utilized in this research include the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Principles, Law Number 2 of 2012 on Land Acquisition for Public Purposes, and Government Regulation Number 39 of 2023, which amends Government Regulation Number 19 of 2021 to align land acquisition policies for infrastructure development. Additionally, secondary data sources such as books, articles, and scholarly works will also be utilized.

FINDING AND DISCUSSION

LAND ACQUISITION FOR PUBLIC INTEREST DEVELOPMENT IN INDONESIA

Land acquisition for public interest is a crucial aspect of national development aimed at providing land to support various development projects that can enhance the

welfare and prosperity of the nation, state, and society. This process serves as the foundation for realizing essential public infrastructure, such as roads, bridges, hospitals, schools, and other public facilities that are vital for social, economic progress, and the well-being of the people. However, land acquisition for public interest must not be carried out recklessly, as it involves individual rights over land, which are fundamental rights protected by law (Rudiana et al., 2023). Therefore, land acquisition must be conducted with attention to principles that are fair, transparent, and in compliance with applicable legal provisions. The aim is to ensure that, although the land is expropriated for public interest, the rights of landowners are protected and they are provided with appropriate compensation, by the economic value and benefits lost.

Land acquisition for public interest should not only be viewed as a means to achieve development goals, but must also safeguard the legal interests of those entitled to the land. A fair and transparent process of land acquisition will foster a harmonious relationship between the government, as the organizer of development, and the affected communities, ensuring that the aim of enhancing welfare and prosperity is achieved in a balanced manner, without overlooking the rights of individuals affected by the land acquisition. Land acquisition for public interest is conducted based on various principles that underpin each of its stages. These principles (Juniare Maria Rengkung, 2024) ensure that the land acquisition process is carried out in a fair and transparent manner, providing benefits to the broader community without harming those involved. Below is an explanation and analysis of these principles:

1. Principle of Humanity

The principle of humanity emphasizes the protection of human rights, particularly the right to land, which is a fundamental right of every individual. Land acquisition must be carried out in a way that respects human dignity and well-being, avoiding any treatment that could harm or pressure the landowner. This principle highlights the importance of respecting the landowner's rights during the acquisition process. Humanity, in this context, not only refers to the recognition of land ownership rights but also ensures that the land acquisition process is conducted fairly and respects the basic rights of every individual, including the right to receive appropriate compensation.

2. Principle of Justice

The principle of justice requires that land acquisition be conducted fairly, without discrimination against any party involved, whether the landowner or the party requiring the land (Gallantry et al., 2021). Every party must be treated equally and given the same rights. In land acquisition, the principle of justice is reflected in providing fair compensation to landowners affected by the expropriation. Decisions must prioritize public interest while ensuring that the landowners are not disadvantaged. The process must also be free from discrimination and arbitrary treatment (Sultan Ageng Tirtayasa Jl Raya Palka Km et al., 2024a), creating a fair situation for all parties involved.

3. Principle of Utility

The principle of utility prioritizes the purpose of land acquisition for public interest that brings benefits to the wider community, such as infrastructure development, public

facilities, or projects that can enhance the quality of life. This principle ensures that land acquisition is carried out for purposes that have a positive impact and provide significant benefits to society. Land acquisition should be conducted for broader public interests, such as for the development of roads, bridges, hospitals, or other public facilities. The use of expropriated land should align with sustainable development goals and provide greater social and economic benefits.

4. Principle of Certainty

The principle of certainty requires clear regulations and predictable procedures at every stage of the land acquisition process. All parties involved must be provided with clear information regarding their rights and obligations. Legal certainty in land acquisition is crucial to avoid uncertainties that could harm the landowner or the party requiring the land. This principle is related to the existence of clear regulations regarding the land acquisition procedure, compensation, and dispute resolution. Certainty provides reassurance to all parties that the process is following applicable laws and does not lead to future problems.

5. Principle of Openness

The principle of openness requires that the entire land acquisition process be conducted transparently, providing sufficient information to all parties involved. Transparent land acquisition will reduce the potential for abuse of power (Sultan Ageng Tirtayasa Jl Raya Palka Km et al., 2024b) or actions that could undermine public trust and fairness.

6. Principle of Agreement

The principle of agreement requires that every decision made in the land acquisition process be based on mutual agreement between the landowner and the party requiring the land, taking into account the common interest. The agreement between the landowner and the land-acquiring party is the core of a fair acquisition process. Achieving a mutually beneficial agreement will minimize the potential for disputes. This agreement should also include clear discussions regarding compensation value and other matters related to the rights and obligations of each party.

7. Principle of Participation

The principle of participation requires that landowners and communities affected by land acquisition (Erdiana et al., 2021) have the opportunity to participate in the process. This participation can take the form of consultations or the expression of aspirations related to the land acquisition plans. Community participation in the land acquisition process is an essential step to ensure that the broader interests of society are represented. This process also enables two-way communication between the government, landowners, and the community, creating mutual understanding of the goals and benefits of the land acquisition.

8. Principle of Welfare

The principle of welfare emphasizes that the main objective of land acquisition is to improve the welfare of the community, both socially, economically, and in terms of quality of life. The land acquisition process must ensure that the outcome of land expropriation positively impacts the welfare of the people. This applies not only in terms of physical development but also in social and economic contexts. Providing adequate

compensation is also part of the effort to maintain the welfare of individuals whose land is being expropriated.

9. Principle of Sustainability

The principle of sustainability requires that land acquisition be carried out with consideration of long-term impacts, both environmentally, socially, and economically. Land acquisition for public interest must be conducted with an eye on sustainability, both in terms of land use and social and economic sustainability. This means that the development projects driven by land acquisition must have long-lasting positive impacts and should not damage the environment or ignore the rights of affected communities.

10. Principle of Harmony

The principle of harmony emphasizes the importance of aligning the goals of land acquisition with broader development policies and other government policies. This principle requires that every land acquisition project be in harmony with the national or regional development vision and mission. In other words, the land acquisition carried out must align with the goals of sustainable and inclusive development. It must align with the goals of sustainable development, not only to meet current needs but also to ensure benefits for future generations.

Given that land acquisition for public purposes is an activity carried out to support various development projects that are crucial for society, such as infrastructure, public facilities, and the fulfillment of other basic needs (Wibowo et al., 2021), this process is implemented by referring to several established plans. These plans aim to ensure that land acquisition is carried out in a planned, structured manner, and in accordance with the long-term interests of the community. The four plans mentioned—Spatial Planning, National/Regional Development Plans, Strategic Plans, and the Work Plans of each agency—each have a specific role in ensuring that land acquisition is carried out appropriately.

Spatial Planning (RTRW) is a planning document that regulates land use in a region, whether for development activities, conservation, or green open spaces (Ardila Amry et al., 2024). RTRW serves as a guide for spatial arrangement so that land and space use within a region can be conducted efficiently, fairly, and sustainably. In the context of land acquisition, RTRW becomes the primary reference for determining locations designated for public purposes (Vinsa Juanda Sari, 2025), such as road construction, bridges, parks, or other public facilities (Hutapea & Nainggolan, 2025).

The National Development Plan (RPN) is a document that outlines the goals and priorities of a country's development over a specified period. The Regional Development Plan (RPD) is a similar document but applies at the regional or provincial level. RPN/RPD covers various aspects of development, such as infrastructure, education, health, and the economy. In land acquisition, these plans determine which development projects should be prioritized and include the selection of locations for such projects. The Strategic Plan is a document that governs the priorities, policies, and programs within a specific period, created by each government agency. A strategic plan (Renstra) is typically used to define the programs and activities to be undertaken by a ministry, institution, or other governmental body. In the case of land acquisition, the Renstra provides guidance on

specific projects that require land to support the achievement of the strategic objectives of the relevant agency. The work plans of each agency ensure that land acquisition is carried out efficiently and on time, in accordance with the operational needs of the project (Alim, 2024; Juniare Maria Rengkung, 2024).

However, the success of implementing these work plans is highly dependent on good coordination between the agencies that require the land and the agencies responsible for land acquisition, such as the National Land Agency (BPN). At times, differences in vision and regulations between agencies can delay the land acquisition process, which may affect the smooth progress of development projects.

Article 10 of the regulations governing land acquisition for public purposes provides an explanation of the various types of development that are entitled to utilize land for public interests. The sectors mentioned in this article cover nearly all aspects of public life related to basic needs and the development of infrastructure that supports social, economic, and environmental life. In the implementation of land acquisition for public purposes, the role of the government is crucial to ensure that these development needs can be achieved without causing social harm to the affected communities. Land designated for public purposes, as mentioned, is used for the development of:

- a) National defense and security;
- b) Public roads, toll roads, tunnels, railway tracks, railway stations, and railway operation facilities;
- c) Dams, reservoirs, weirs, irrigation systems, drinking water channels, sewage and sanitation systems, and other irrigation structures;
- d) Ports, airports, and terminals;
- e) Infrastructure for oil, gas, and geothermal energy;
- f) Power generation, transmission, substations, networks, and electricity distribution;
- g) Government telecommunication and information networks;
- h) Waste disposal and treatment facilities;
- i) Government/public hospitals;
- j) Public safety facilities;
- k) Government/public cemeteries;
- l) Social facilities, public facilities, and public green spaces;
- m) Nature reserves and cultural heritage sites;
- n) Government offices;
- o) Urban slum settlement improvement and/or land consolidation, as well as housing for low-income communities with rental status;
- p) Government/public educational infrastructure;
- q) Government/public sports infrastructure; and
- r) Public markets and public parking areas.

The land designated for public purposes listed above covers various types of development that support the basic needs of society as well as the advancement of national infrastructure. This development involves not only the defense and security sectors but also vital facilities such as transportation, energy, water, and health. Additionally, social facilities

and public green spaces are prioritized for public welfare. The development of slum settlements and infrastructure for education and sports further reflects the focus on improving the quality of life for society, particularly low-income groups. Overall, the allocation of land for public purposes aims to enhance public service quality, ensure social sustainability, and support inclusive and sustainable development.

Land acquisition for public purposes, according to Law No. 2 of 2012 on Land Acquisition for Public Purposes, is carried out through four structured stages aimed at ensuring fairness, transparency, and efficiency in the process. The first stage is planning. This phase involves the preparation of the land acquisition plan, which includes identifying the need for land, the purpose of land use for public purposes, and the required locations. In this stage, the competent authorities (e.g., the government or the designated legal entity) must conduct a comprehensive study to ensure that the land to be acquired meets the requirements and objectives. This aims to avoid planning errors that could disrupt the smooth progress of development.

The second stage is preparation. The preparation phase includes compiling a list of land objects to be acquired, conducting an inventory of existing land, and appraising the value of the land to be purchased. This process also involves clarifying the land's status, including ownership rights, usage rights, and other related rights. Land acquisition at this stage must involve competent authorities, such as the National Land Agency (BPN), to ensure accurate data and prevent overlapping ownership. Additionally, this stage includes notifying the public about the planned land acquisition.

The third stage is implementation. During this stage, the land acquisition transaction takes place. The competent authority offers a price based on an objective land value assessment. If disputes arise, resolution is sought through deliberation or existing legal mechanisms. If the competent authority fails to acquire the land through deliberation, then expropriation may occur, with fair compensation provided to the landowner. This expropriation must follow transparent and fair procedures to avoid dissatisfaction or loss for the landowner.

The final stage is the transfer of results. After the transaction is completed, the freed land is handed over to the requesting party for public purpose development. This transfer process involves recording the new land rights, transferring ownership rights, and completing the administrative procedures related to the change in land status.

DISCUSSION

RESOLUTION OF LAND ACQUISITION DISPUTES FOR PUBLIC PURPOSE DEVELOPMENT

The resolution of disputes related to the form and/or amount of compensation in land acquisition may involve various legal steps, including deliberation, district court proceedings, cassation to the Supreme Court, and the execution of binding decisions. Below is an analysis and explanation of these provisions:

1. Filing Objections to the District Court within 14 Working Days (Article 38, Paragraph 1)

A party with land rights who is dissatisfied with the results of the deliberation regarding the form and/or amount of compensation can file an objection to the local district

court. This objection must be made within a maximum of 14 working days after the deliberation on the compensation determination. The purpose of the 14-day time limit is to avoid prolonged delays in dispute resolution, which could hinder the land acquisition and development processes. The protection of the rights of the entitled party is also emphasized, as they are provided with a sufficient opportunity to file an objection if they feel the compensation offered is inadequate, the offer is not of a fair or just value or form. This objection process provides a limited time for the rightful landowner to evaluate the compensation offer given. If the offer is deemed unfair or inadequate, they can submit an objection. In practice, 14 days is a relatively short period to assess the offer and prepare an objection based on legal arguments or relevant facts.

2. District Court Decision within 30 Working Days (Article 38, Paragraph 2).

The district court is given a maximum period of 30 working days to decide on the form and/or amount of compensation after receiving the objection submission. This expedited process is crucial as it helps prevent legal uncertainties that could delay development projects. The court is expected to issue a fair and swift decision so that the construction project can continue promptly. The court's decision must consider legal and equitable aspects, including the market value of the land, the losses suffered by the landowner, and other relevant factors related to the compensation. The district court is tasked with evaluating the evidence presented by both parties and issuing a binding decision. With a clear time frame, the court must make a timely decision without delay. This ensures that parties aggrieved by the consensus decision can receive justice within a reasonable period.

3. Appeal to the Supreme Court (Article 38, Paragraph 3).

Suppose either party is dissatisfied with the district court's decision. In that case, they may file an appeal to the Supreme Court of the Republic of Indonesia within a maximum of 14 working days after the district court's ruling. An appeal is a form of legal recourse available to a party that believes the district court's decision does not align with the applicable legal provisions. The right to file an appeal provides the aggrieved party with an opportunity to seek further justice. The 14 working days to submit an appeal offers sufficient time to prepare well-founded arguments or grounds for the appeal. This appeal process provides a final opportunity for a party dissatisfied with the decision to seek justice through the Supreme Court. As the highest judicial authority in Indonesia, the Supreme Court is expected to provide a final, binding decision. The appeal mechanism ensures that unresolved disputes at the district court level can be addressed and resolved in the judicial system.

4. Supreme Court Decision within 30 Working Days (Article 38, Paragraph 4).

The Supreme Court is required to issue a decision within a maximum of 30 working days from the receipt of the appeal petition. This provision ensures that the appeal process is completed swiftly and does not hinder the progress of development projects. The expedited process at the Supreme Court level is crucial as it guarantees that, once the appeal has been filed, a final decision can be promptly made and serve as the basis for resolving the dispute. The 30-day deadline provides clarity and legal certainty for both

parties involved, ensuring that the judicial process is concluded efficiently both parties, and ensures that the development project is not delayed for an extended period. As the highest court, the Supreme Court plays a crucial role in delivering a final decision that serves as a strong legal foundation. The decision of the Supreme Court is binding and cannot be contested, thus providing a definite legal basis for compensation payments and dispute resolution.

5. Final Legal Authority and Basis for Compensation Payment (Article 38, Paragraph 5).

Once the decision from either the district court or the Supreme Court becomes legally binding, it serves as the basis for the payment of compensation to the party that filed the objection. The finality of the legal decision indicates that the court's ruling is final and cannot be altered or contested. Therefore, a legally binding decision becomes the legitimate and binding foundation for subsequent actions, such as the payment of compensation. The compensation will be made by the legally binding decision, thereby avoiding further disputes regarding the amount or form of compensation. With this provision, once the legal process concludes (whether at the district court or the Supreme Court level), the rightful landowner who has filed an objection and won the dispute is entitled to receive the compensation as determined by the court's ruling. This process provides certainty to the landowner that their rights will be respected and that they will receive appropriate compensation based on a valid legal decision.

The selection of the appropriate form of compensation largely depends on the agreement between the party requiring the land and the landowner, taking into account the social, economic, and locational conditions of the land (Fitri Lailatul Fauziyah, 2025). In this regard, providing fair compensation that aligns with the landowner's preferences can reduce the potential for disputes and facilitate the smooth progress of public interest development projects (Siti Hardianti Paramata, 2024). The forms of compensation specified in this law are as follows:

1. **Monetary Compensation:** The most common form of compensation provided is monetary, with the amount adjusted to the land price as assessed by the competent authorities. This payment is made once a price agreement is reached between both parties.
2. **Replacement Land:** As an alternative, the landowner may be provided with replacement land that is comparable to, or better than, the land that has been expropriated. This option is available if the landowner prefers to receive land rather than monetary compensation.
3. **Resettlement:** In some cases, particularly for landowners residing on the land to be expropriated, they may be provided with a resettlement location. This aims to minimize the social impact of the land expropriation, ensuring that the landowner does not lose their place of residence.

4. **Share Ownership:** As a more flexible form of compensation, the landowner may be granted ownership of shares in a project or business related to the development. This provides the landowner with the opportunity to benefit from the ongoing development project.
5. **Other Forms Agreed Upon by Both Parties:** In addition to the above forms, compensation may also be provided in other forms mutually agreed upon by both parties, such as goods, services, or any other form deemed fair and mutually beneficial.

Land acquisition for public interest due to urgent circumstances such as natural disasters, war, widespread social conflict, and epidemics can proceed directly after the location for public interest development has been designated. However, before the designation of the development location for public interest as mentioned above, notification must be sent to the entitled parties (Luh Nyoman Diah Sri Prabandari, 2021). In the event of objections or lawsuits regarding the land acquisition process, the agency requiring the land may still proceed with the development activities. Furthermore, monitoring and evaluation of the land acquisition process for public interest is conducted by the Government. Regarding the funding sources for land acquisition for public interest, ensuring the process runs efficiently and within the available budget is crucial. The use of the State Budget (APBN) and Regional Budgets (APBD) as primary funding sources guarantees that vital public projects are accessible with adequate funds, in line with the government's planning and priorities. Meanwhile, if the funding comes from State-Owned Enterprises (BUMN) or Public Service Agencies (BHMN), it provides flexibility for these entities to manage the funds more independently and avoid reliance on government funds. However, the use of internal funding sources must remain transparent and comply with applicable legal provisions to prevent conflicts of interest or misalignment with public goals (K. Harjono, 2023). With a clear funding system, it is hoped that the land acquisition process for public interest can proceed more effectively, minimizing administrative obstacles that often arise in large project financing.

Public participation in land acquisition for public interest is essential to maintain transparency, accountability, and fairness in the process. By allowing space for the public to provide input and support, (Irawan, 2018) the land acquisition process becomes more open and involves broader perspectives, not only from landowners or the party requiring the land. This can also reduce the potential for social conflict and increase public awareness of the long-term benefits of development projects. This regulation demonstrates that social justice and active public participation in every stage of the land acquisition process (Clifert Marcello Rumampuk, 2025), while ensuring that the development projects undertaken are well-received by the community and do not lead to dissatisfaction (Fitri Lailatul Fauziyah, 2025). By involving the public, it is expected that this process will proceed more efficiently, transparently, and minimize potential disputes.

CONCLUSION

Land acquisition for public development in Indonesia, regulated by various laws such as the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1960 on Basic Agrarian Principles, and Law No. 2 of 2012, provides a clear legal foundation for the process of land acquisition for infrastructure. Government Regulation No. 39 of 2023, which amends Government Regulation No. 19 of 2021, reflects efforts to align policies and improve the effectiveness and efficiency of the land acquisition process. Although these regulations offer a strong legal framework, challenges remain, particularly regarding the valuation of land, which often does not align with its market or social value. This highlights the need for better coordination between the government, the public, and private entities. Overall, while the existing legal framework is adequate, improvements in implementation and dispute resolution are still necessary to achieve equitable and sustainable development.

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