

LAW & SOCIAL POLICY | RESEARCH ARTICLE

Problematics of Land Acquisition for Development For Public Interest

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ABSTRACT

This research focuses on the study of the Problematics of Land Acquisition for Development for the Public Interest in the Makassar City Region of South Sulawesi Province and the factors that influence the implementation of Land Acquisition for Development for the Public Interest in the Makassar City Region of South Sulawesi Province. The type of research is empirical legal research (nondoctrinal), which observes social symptoms in society, in this case, the Problems of Land Acquisition for Development for the Public Interest in the Makassar City Region of South Sulawesi Province. In addition, it examines the factors that influence the problems of land acquisition for development for the public interest in the Makassar City Region of South Sulawesi Province. The influencing factors are legal structure, legal awareness/understanding, economic, and cultural factors. The research results are as follows: 1) Implementing land acquisition for development for public interest increased in Makassar City Area, South Sulawesi Province, but is not yet optimal. 2) Factors affecting the implementation of Land Acquisition for Development for Public Interest increased in Makassar City Area of South Sulawesi Province: legal structure, awareness, cultural, and economic factors. The expected results or research outputs are 1). Published in the Sinta Journal (Science and Technology Index), a journal indexing portal. 2) Textbook of Civil Law Capita Selekta and Introduction to Treaty Law, 3) IPR.

Keywords: Land Acquisition, Development, Public Interest.

I. Introduction

The fourth paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia mandates that the Government of the Unitary State of the Republic of Indonesia protect the entire nation and the entire homeland of Indonesia, promote public welfare, educate the nation's life and participate in implementing world order based on independence, eternal peace and social justice (Indonesia, 1945). As an implementation of this mandate, national development is carried out to realize a just and prosperous society that always pays attention to the right to livelihood and protection for every citizen within the framework of the Unitary State of the Republic of Indonesia (Satriawan & Hermansyah, 2018). In this regard, the Unitary State of the Republic of Indonesia is responsible for protecting the entire Indonesian nation and the entire Indonesian blood sphere to protect life and livelihood including protection of the rights and obligations of landowners related to Land Acquisition for Development in the Public Interest in the Makassar City Area of South Sulawesi Province (Andriani et al., 2020).

Despite the rapid development of legal awareness, there are still problems with land acquisition for development for public interest in Makassar City Area, South Sulawesi Province (Rahman et al., 2019). To realize a just, prosperous, and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, the government needs to organize development. One of the development efforts within the framework of national development organized by the Government is development for the Public Interest (Yunus & Wulan, 2022). Development for the Public Interest requires land whose acquisition is carried out by prioritizing the principles contained in the 1945 Constitution of the Republic of Indonesia and national land law, including the principles of humanity, justice, benefit, certainty, openness, agreement, participation, welfare, sustainability, and harmony by the values of the nation and state (Mustofa & Praptianingsih, 2021).

National land law recognizes and respects people's rights to land and objects related to land, and gives public authority to the state in the form of authority to regulate, make policies, conduct management, and organize and supervise, which is contained in the following Land Acquisition principles:

- 1) The Government and Regional Governments guarantee the availability of land for the Public Interest and its funding (Government of Indonesia, 2012).
- 2) Land Acquisition for Public Interest is carried out by a Regional Spatial Plan, National/Regional Development Plan, Strategic Plan, and Work Plan for each Agency requiring land (Arifin & Lestari, 2020).
- 3) Land Acquisition is organized through planning involving all stakeholders (Anwar & Kamaruddin, 2023).
- 4) The implementation of land acquisition should pay attention to the balance between development and community interests (Suwondo & Prakoso, 2018).
- 5) Land Acquisition for Public Interest is done by providing adequate and fair compensation (Sari & Nurhayati, 2021).

Land Acquisition for Development in the Public Interest in Makassar City, South Sulawesi Province, has caused many legal problems (Rahman et al., 2019; Taufik et al., 2022). Based on that, the purpose of this study is (1) to what extent the implementation of Land Acquisition for Development in the Public Interest in the Makassar City Region of South Sulawesi Province is? (2) What factors influence the implementation of Land Acquisition for Development in the Public Interest in the Makassar City Region of South Sulawesi Province?

II. Research Method

The research that will be used is empirical legal research (non-doctrinal). Thus, the research study focuses on realizing land acquisition for development for the public interest, which is increasing in the Makassar City Region of South Sulawesi Province (Hosen & Syahrin, 2020). This research is more focused on empirical law (non-doctrinal). In empirical legal research, the types of data are as follows:

- 1) Primary data, namely data obtained directly from respondents at the research location, using a closed questionnaire (Questions and answers are set out in the questionnaire) (Yunus & Wulan, 2022).
- 2) Secondary data, namely data obtained from related agencies, both government and private agencies, in the form of documents, official reports, and statistics containing processed data (Anwar & Kamaruddin, 2023).

Data collection is carried out with an empirical approach, namely by circulating closed questionnaires at the research location, then data editing and recapitulation are carried out (Sari & Nurhayati, 2021). The normative data found will be inventoried using a block note system to be used as an object of study when analyzing (Mustofa & Praptianingsih, 2021). The data obtained from the results of the empirical study are analyzed quantitatively using descriptive methods through frequency distribution analysis of primary data,

which will then be presented in various tables or diagrams containing a description or explanation of the tendency of respondents' opinions collectively (Cahyani & Pratama, 2020). Empirical legal research emphasizes the need to combine legal norms and field realities by using empirical data collection techniques, and the findings of such research are expected to provide practical legal solutions (Ali, 2017). Using closed questionnaires and descriptive statistical analysis allows researchers to map the distribution of legal understanding and perceptions within the community, especially on sensitive issues such as land acquisition (Rahman et al., 2019). Moreover, triangulation with secondary data enhances the validity and reliability of the study findings (Hosen & Syahrin, 2020).

III. Results and Discussion

3.1. Implementation of Land Acquisition for Development in the Public Interest.

The primary data obtained through a closed questionnaire presents the following frequency distribution results as a recapitulation of the primary data: the implementation of Land Acquisition for Development for Public Interest in Makassar City, South Sulawesi Province. The table above confirms that 28% of respondents answered that implementing Land Acquisition for Development for Public Interest in Makassar City, South Sulawesi Province, was optimal. Furthermore, 60% of respondents answered that the implementation of Land Acquisition for Development for the Public Interest in Makassar City, South Sulawesi Province, was less than optimal. Furthermore, the data shows that 12% of respondents answered that the implementation of Land Acquisition for Development for the Public Interest in Makassar City, South Sulawesi Province, was not optimal. Furthermore, the research data confirms or explains the influence of various factors on implementing Land Acquisition for Development for Public Interest in Makassar City, South Sulawesi Province.

3.2. Factors affecting the implementation of Land Acquisition for Development for Public Interest in Makassar City, South Sulawesi Province

a) Legal Structure Factor (Government Officials)

The research data confirms or explains the influence of Legal Structure Factors on implementing Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province. The data shows that 78% of respondents answered that the legal structure factor affected the implementation of Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. It also appears that 18% of respondents answered that the legal structure factor had little effect on implementing Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province. Furthermore, the data confirms that 4% of respondents answered that the legal structure factor does not affect implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. The following data confirms or explains the influence of legal awareness factors on implementing Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province.

b) Legal Awareness Factor

The research data confirms or explains the influence of the Legal Awareness Factor on implementing Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province. The research data confirms that 54% of respondents answered that the Legal Awareness Factor affects the implementation of Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. It also appears that 38% of respondents answered that the Legal Awareness Factor has little effect on implementing Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province.

Furthermore, the data confirms that 8% of respondents answered that the legal awareness factor does not affect implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. The following research data confirms or clarifies the influence of legal culture factors on implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province.

c) Legal Culture Factors

The research data confirms or explains the influence of Legal Culture Factors on implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. The results confirmed that 64% of respondents answered that the Legal Culture Factor affected the implementation of Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province. It also appeared that 20% of respondents answered that the Legal Culture Factor had little effect on implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. Furthermore, the results confirmed that 16% of respondents answered that the legal culture factor did not affect implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. The following research data confirms or explains the influence of economic factors on implementing Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province.

d) Economic Factors

The research results confirm or explain the influence of economic factors on implementing Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province. The research data confirms that 76% of respondents answered that Economic Factors affect the implementation of Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province. It also appears that 16% of respondents answered that Economic Factors have little effect on implementing Land Acquisition for Development for Public Interest in Makassar City in South Sulawesi Province. Furthermore, the data shows that 8% of respondents answered that economic factors did not affect the implementation of Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province. Based on the above data, implementing land acquisition for public interest development in Makassar City in South Sulawesi Province is not optimal. It is influenced by 4 four factors, namely legal structure factors, legal awareness factors, legal culture factors, and economic factors.

3.3. Relevance of Results to Legal Theory

Based on the results of the research as described in the discussion above, it seems clear that the predictions or assumptions of researchers as outlined in the hypothesis in Chapter II are proven correct that 3 (three) factors influence the implementation of Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province. The three factors are: (1) legal structure factors, (2) public legal awareness factors, and (3) legal culture factors. Suppose the results of this study are connected with various theories of law enforcement or the theory of legal effectiveness put forward by legal experts, namely L.M. Friedmann and Soeryono Soekanto, as well as the theory of Selo Soemardjan. In that case, the truth is proven through the results of this study. According to the theory put forward by L.M. Friedmann regarding the legal system (Legal System), the legal system is influenced by 3 three sub-systems, namely: (1) legal substance, (2) legal structure, and (3) legal culture. Suppose the theory is connected to the research results, namely. In that case, three factors influence the implementation of Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province. The three factors are based on the theory put forward by L.M. Friedman, which has proven to be influential: legal substance, structure, and cultural factors. This means that the theory of L.M.Friedmann as mentioned above, is proven to be true through this research, that the

implementation of Land Acquisition for Development for the Public Interest in Makassar City in South Sulawesi Province, is influenced by 3 (three) factors, namely legal substance factors, legal structure and legal culture. Furthermore, when connected with the theory put forward by Soerjono Soekanto that law enforcement is influenced by 5 (five) factors, namely (1) legal substance factors, (2) legal structure factors, (3) legal culture factors, (4) public legal awareness factors, (5) facilities and infrastructure factors, it is clear that three of the five factors are proven to be true based on the results of this study. This can be seen in the study's results, namely that 3 (three) factors influence the implementation of Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province. Five factors based on Soerjono Soekanto's theory influence the legal structure, culture, and public legal awareness. Another relevant theory is the view of Selo Soemardjan, who explicitly outlines that 3 (three) factors are closely related to legal effectiveness as follows:

- 1) Efforts to instill law in society, using human power, tools, organizations, and methods so that citizens know, appreciate, recognize, and obey the law.
- 2) Community reactions based on the prevailing value system. People may reject, oppose, or obey the law because of compliance, identification, internalization, or because their interests are guaranteed to be fulfilled.
- 3) The period of legal inculcation, namely the length or short period in which efforts to inculcate it are carried out and expected to produce results.

This theory or view is relevant to the results of research on community cultural factors. In this study, it appears that cultural factors or habits of the community greatly influence or determine the implementation of Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province. Based on the description, proof and confirmation above, it is clear that the theories mentioned above, namely the theory put forward by L.M. Friedmann about the legal system and the theory of law enforcement or effectiveness put forward by Soerjono Soekanto and the theory of effectiveness by Selo Soemardjan, are proven to be true, namely influencing the implementation of Land Acquisition for Public Interest Development in Makassar City in South Sulawesi Province.

IV. Conclusion

The implementation of Land Acquisition for Development in the Public Interest in South Sulawesi Province has shown a notable increase in recent years. Nevertheless, its execution has not yet reached an optimal level. Several key factors influence the effectiveness of this process, including the legal structure, public awareness, cultural dimensions, and economic considerations within the region. These four elements are critical in determining the smoothness and fairness of land acquisition initiatives that balance public benefit with individual rights. A series of integrated strategic measures is required to be implemented more effectively. Reforming the legal structure is a top priority, and it involves not only strengthening law enforcement but also enhancing the quality and capacity of law enforcement agencies. This can be realized by fostering higher standards of integrity, morality, and commitment through formal and non-formal education. In addition, widespread legal counseling is essential for all segments of society. Raising awareness about land rights, the social function of land ownership, and the legal framework surrounding land acquisition for public purposes must be continuously promoted to build a well-informed and cooperative community. Furthermore, the economic aspect of compensation for landowners warrants serious consideration. Fair compensation, aligned with the principles that govern land acquisition for public development, will be key to maintaining public trust and ensuring the sustainability of development initiatives. With a synergistic combination of these efforts, land acquisition in South Sulawesi can grow in quantity and improve in quality, ensuring justice, inclusiveness, and long-term viability.

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