

Land Acquisition, Land Rights, and Consignment: A Policy Framework for Legal Certainty and Social Justice in National Development

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ABSTRACT

This study examines land acquisition for public purposes by placing Pancasila, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, and Law Number 5 of 1960 as the main legal foundations. The research focuses on the implementation of Law No. 2 of 2012 concerning Land Acquisition for Development for Public Interest and Law No. 20 of 1961 concerning Revocation of Land Rights, with the aim of assessing the effectiveness of deliberation and consignment mechanisms in resolving land disputes. This research uses a normative juridical method to map legal, social, and administrative issues that often trigger conflicts, particularly regarding compensation values, unclear ownership, and cultural factors that influence community resistance to government policies. The results of the study show that although the normative framework is adequate, implementation still requires improvements in accountability, transparency, and procedural consistency so that land acquisition is carried out in accordance with the principles of social justice. Consignment has proven to be an effective mechanism in guaranteeing the rights of the community without hindering the development process. Theoretically, this research strengthens the understanding of distributive justice in land law, while in practical terms, the results are expected to form the basis for improving land acquisition policies and refining the dispute resolution system in Indonesia.

INTRODUCTION

Land has a fundamental role in human life because from birth to death, humans are always dependent on it. As a strategic natural resource, land is part of the nation's wealth, the existence of which is strictly regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." This formulation emphasizes the state's obligation to manage and distribute the proceeds of natural wealth in order to realize the welfare of the people through equitable development throughout Indonesia (Rahmatullah et al., 2022).

The operational regulation concerning state control over land is further stipulated in Article 2 of Law No. 5 of 1960 on Basic Agrarian Principles, which affirms that the state holds the right to control the earth, water, and airspace, including the natural resources contained therein, as the highest authority representing the entire people. Based on this provision, the state is authorized to determine the allocation, utilization, and preservation of these resources, as well as to regulate the legal relationships between individuals and land, including legal acts concerning it. This authority is exercised to maximize the people's welfare, encompassing prosperity, happiness, and freedom, within the framework of a just and sovereign legal state.

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Furthermore, the exercise of state control may be delegated to regional governments or customary law communities, provided it does not contravene national interests and is in accordance with the prevailing statutory regulations (Sapiddin et al., 2018).

Land, as a primary instrument of national welfare, underscores that its governance and control are not merely economic concerns but also pertain to social order, distributive justice, and the state's sovereignty over strategic resources. The state bears a profound responsibility to ensure that land rights are utilized for the collective good, without generating social inequality or ownership conflicts. Thus, land law governance functions as a vital pillar in sustaining economic stability, promoting social justice, and ensuring the continuity of national development.

Regulations enacted by the state serve as instruments to structure societal life within the framework of nationhood and statehood. These laws reflect the state's responsibility to maintain social order and prevent conflict among citizens. Nonetheless, such regulations do not entirely eliminate the potential for disputes within society; instead, they are designed to mitigate their intensity and potential repercussions. Humans, as both social and individual beings, naturally tend to defend their personal interests while simultaneously requiring interaction with others. In the absence of binding rules, interpersonal relations risk devolving into unresolved conflicts. In social reality, regulations act as the foundation for balancing individual liberty and collective order, thereby facilitating a harmonious and civilized coexistence.

Land-related disputes represent a concrete manifestation of the complex socio-legal relationships frequently encountered in Indonesia. Conflicts over land ownership often arise not only between individual citizens but also between communities and government authorities. This issue is inseparable from Indonesia's developmental trajectory as a nation actively pursuing progress across multiple sectors, including infrastructure projects such as highways, toll roads, and airports. These development initiatives frequently necessitate the acquisition of land already held by communities under various legal classifications, including customary land rights, freehold titles, building use rights, usage rights, or lease rights. Such conditions generate intricate legal and social dynamics, particularly when private land rights intersect with national development imperatives (Hakim & Martinouva, 2021).

Concurrently, land issues are closely related to the provisions of Article 18 of Law No. 5 of 1960 concerning Basic Agrarian Principles, which stipulates that for the sake of public interest – including the interests of the nation and the collective welfare of the people – land rights may be revoked, provided that fair compensation is granted in accordance with statutory regulations. This legal provision affirms that when development requires land that belongs to the public, a latent tension may arise between individual property rights and the collective needs of society (Hutabalian, 2022). Such tensions frequently trigger debates about the fairness of compensation, the appropriateness of assessed values relative to actual land worth, and the transparency of the compensation process. In numerous cases, a structural imbalance between state authority and landowners' rights has been a primary cause of prolonged disputes, which ultimately undermine both social cohesion and public trust in land governance mechanisms (Sungsang et al., 2023).

This ongoing challenge illustrates that land law regulation and implementation continue to encounter significant obstacles, particularly in maintaining a careful balance between safeguarding public interests and upholding individual rights. Land is not merely an economic commodity; it encompasses profound social, cultural, and symbolic significance, making it a potentially volatile source of conflict when managed without equitable and transparent legal frameworks.

Issues surrounding the provision of compensation for land acquisition in the context of development projects represent one of the most intricate challenges in land policy implementation in Indonesia. Disputes between governmental authorities and local communities regarding compensation amounts often serve as the primary source of conflict. In practice, these disagreements extend beyond the nominal value of the compensation to encompass the deep-rooted socio-cultural dimensions attached to the land. For many communities, land is not merely an economic asset but a fundamental part of their identity and ancestral heritage, imbued with historical and spiritual significance. This cultural perception frequently generates resistance to land acquisition policies, particularly when individuals perceive that their rights and dignity are being disregarded. Additional complications arise when landowners or their legal heirs cannot be located, thereby obstructing outreach efforts and delaying compensation processes.

Land procurement for public purposes frequently results in extensive social repercussions (Hutabalian, 2022). The conversion of land that once served as a vital source of livelihood for local residents often induces a profound sense of loss and uncertainty regarding their economic futures. This situation is further exacerbated by public perceptions that the compensation received fails to reflect the true value of the land relinquished. Such dissatisfaction commonly hinders the progress of development initiatives and fosters tensions between citizens and state institutions. To mitigate conflict, various resolution strategies, including negotiation and emotional engagement with resistant community members, are employed. These measures often prove ineffective, particularly when outreach fails to reach all stakeholders.

In instances where landowners are either unknown or unreachable, the government invokes the legal mechanism of consignment, wherein compensation funds are deposited with the relevant district court to ensure that development can proceed. Nevertheless, the implementation of this mechanism raises concerns regarding transparency, fairness, and procedural efficacy. This situation prompts critical questions about the extent to which consignment can truly safeguard citizens' rights to just compensation while simultaneously ensuring that the development process upholds principles of justice in land acquisition.

These challenges underscore the multifaceted tensions between the imperatives of national development and the protection of citizens' land rights, which remain a persistent obstacle in Indonesia's land governance framework. This study seeks to conduct a comprehensive analysis of the legal, social, and administrative issues inherent in land procurement for development, with particular attention to compensation mechanisms. The primary focus is to uncover the root causes of disagreement between government entities and affected communities concerning compensation value, forms of restitution, and the socio-cultural factors influencing public acceptance of land acquisition policies. The study further aims to identify legal and procedural obstacles, including the complications posed by absent or unidentified landowners or legal heirs.

This research evaluates the effectiveness of the consignment mechanism employed by the government in channeling compensation through local courts in cases where direct payments to rightful beneficiaries are not feasible. The analysis is oriented toward assessing the extent to which this

system ensures the protection of community rights while facilitating development in a manner consistent with the principles of social justice. Ultimately, this study aspires to contribute a nuanced understanding of the legal, social, and bureaucratic complexities of land acquisition policy and to inform future evaluations of Indonesia's land governance strategy.

RESEARCH METHOD

This research is based on a normative legal approach oriented towards the analysis of positive legal norms and principles. This approach is used to find answers to problems through theoretical studies of normative legal sources, including legal doctrines, legal principles, and rules that have been recognized in the national legal system (Hidayat, 2006). The normative juridical method focuses on research into literature as the main source, which includes primary, secondary, and tertiary legal materials (Sunggono, 2003). This approach places law as a system of norms that is compiled and enforced by the competent authorities, so that it is autonomous and functions as a guideline for behavior in society (Rony, 1983).

Data analysis was conducted using normative qualitative methods with the aim of producing a systematic, factual, and structured description of the object of study (Soekanto, 2001). This process included the collection, classification, and interpretation of data based on relevant literature sources, such as legislation, scientific works, legal journals, and other academic documents. All data obtained is then presented in the form of descriptive analysis to illustrate legal phenomena as a whole and logical entity. Legal materials are collected through literature studies, which include primary materials such as laws, secondary materials in the form of previous research results, and tertiary materials that provide additional understanding of the main sources of research.

The use of normative juridical methods in this study is intended to obtain a comprehensive understanding of applicable legal norms and to assess the consistency and relevance of their application in practice, so that the results of the study can contribute theoretically to the development of legal science and strengthen understanding of the normative reality being studied.

RESULT AND DISCUSSION

National development is a manifestation of the state's responsibility to realize the people's aspirations for prosperity as mandated by the 1945

Constitution of the Republic of Indonesia. Within this framework, development is oriented towards economic growth and the establishment of a just, civilized, and sustainable social order. Development based on human values affirms that national progress cannot be separated from the principles of justice and equitable welfare for all levels of society (Sudjana, 2018). Therefore, ideological foundations are the main basis for every public policy so that development is not trapped in material logic alone, but is in line with the noble goal of the Indonesian nation to create social justice for all its people.

National development in Indonesia is rooted in the foundational values of Pancasila, which serve as the country's ideological base, worldview, and development paradigm guiding government policy to improve national welfare. The philosophical depth of Pancasila reflects a value system that integrates spiritual, moral, and social dimensions, thereby shaping the character of Indonesia's national development. Within the framework of sustainable development, the provision of land and land-management emerge as strategic factors that determine the success of both physical and social development, since land constitutes a fundamental resource for infrastructure projects, housing developments, and local economic activities (Sapiddin et al., 2018). As the nation's guiding philosophy, Pancasila asserts that development goals must align with the principles of humanity and justice, for these values form the core of the state's service to its people (Rifai et al., 2020). Consequently, land regulation and utilization must be conducted in accordance with the principle of social justice, respect for community property rights, and a balance between public interests and individual protections (Soraya & Amarini, 2023). The value content of Pancasila includes belief in "Ketuhanan Yang Maha Esa", respect for human dignity, a spirit of unity, democratic commitment, and the aspiration for social justice for all. Thus, Pancasila functions not simply as a normative guideline, but as an ethical foundation for public policy, ensuring that development – including land provision and public-use allocation – proceeds in a humane, inclusive, and dignified manner.

As a paradigm for development, Pancasila provides guidance that national progress must reflect a balance between material growth and spiritual value reinforcement. National welfare cannot be measured solely through improved economic indicators; it must be evaluated in terms of fulfilling fundamental human rights such as security, access to education, and a just

environment. In physical development, transparent and equitable land availability becomes a prerequisite for ensuring that each infrastructure project delivers tangible benefits to communities without compromising citizens' land rights. The government, as the implementer of the people's mandate, is called upon to translate Pancasila's values into land-policy frameworks oriented toward distributive justice and public welfare (Hutabalian, 2022). The principle demands harmony between infrastructure policy and land-owner rights so that every individual may participate in the nation's advancement (Sintara & Suhaidi, 2019). Therefore, development must not foster social inequality or weaken national solidarity; instead, it must promote benefit sharing so that development outcomes and land utilization are collectively enjoyed by all Indonesians.

In the global era marked by technological advancement and accelerating economic activity, the state confronts demands to establish legal and developmental policies that are adaptive, equitable, and guarantee legal certainty for society. Modernization and globalization compel the government to adapt its policy frameworks in response to changing times while maintaining Pancasila's noble values as moral guidance. The Indonesian government has responded with extensive infrastructure development across various regions to reinforce inter-regional connectivity, streamline economic flows, and enhance public service efficiency. Such infrastructure initiatives serve as strategic instruments to broaden the distribution of developmental gains and strengthen the national economic foundation. However, because these projects often require large swaths of land, the state is obligated to manage land provision under the principles of social justice, transparency, and moral responsibility toward its citizens (Omaleng & Wahid, 2022). Within this framework, land-policy becomes a test of the integrity of Indonesia's legal system – measuring whether the state can balance national development interests and the protection of citizens' rights as legitimate sovereign landowners.

Land occupies a central role within the life of the nation, serving not only as a vital resource for economic, social, and political development but also as the foundational material underpinning all aspects of growth. It embodies both an economic asset and a social-cultural dimension integral to human existence as beings interacting with their environment. For many communities, land is more than property – it is a symbol of identity and a locus of continuity for livelihoods and dignity.

Consequently, any policy pertaining to land management must integrate the fundamental principles of justice and humanity that underpin national life. Public interest land acquisition represents a strategic instrument of public policy linking the state's responsibility for development with its obligation to protect citizens' rights (Rahmatullah et al., 2022).

Under Article 18 of Law No. 5 of 1960 on Basic Agrarian Principles, the state is vested with the authority to revoke land rights for public interest purposes, provided that fair compensation is offered and the process is executed according to applicable legal mechanisms. That provision asserts that public interest cannot override individual rights without proportional and legally valid compensation (Soraya & Amarini, 2023). Justice must thus serve as the operative principle in land acquisition, with deliberation between government and community functioning as a morally and legally binding forum. Such deliberation aims to reconcile national development aspirations with the protection of community rights, thereby avoiding structural disparities between state power and private ownership. Furthermore, land should be regarded as part of the people's economic rights endowed with social value, and its utilization must be directed toward collective welfare. Each process of land acquisition should uphold the principle of transparency so as not to engender suspicion or conflicts of interest at the local level (Winarsi, 2023).

In implementation, active community involvement can enhance the legitimacy of land acquisition policy and strengthen perceptions of substantive justice. Jointly agreed compensation mechanisms foster a sense of ownership in development and reduce the likelihood of protracted legal disputes. The application of justice and equality in land acquisition constitutes a key indicator of the state's success in maintaining the equilibrium between development and respect for human rights (Prawesthi et al., 2019). Thus, land should be seen not merely as an economic object but as a pillar of social and legal sustainability, reflecting the state's responsibility to promote comprehensive welfare of its citizens.

Nevertheless, the implementation of land procurement routinely gives rise to complex juridical, social, and administrative issues. The complexity emerges because land acquisition concerns not only formal legal aspects but also intersects with highly sensitive socio-cultural domains within the community (Marchello et al., 2023). Disputes typically stem from divergent assessments

by government authorities and local communities regarding compensation amounts, which are often perceived as failing to reflect both the economic value and the social significance of the land involved (Winarsi, 2023). This perceptual imbalance illustrates a gap between the administrative approach of the government oriented toward developmental efficiency and the community view rooted in historical value and emotional meaning attached to land ownership. Although Law No. 20 of 1961 on Revocation of Rights to Land and Objects Thereon provides a legal foundation for the state to revoke land rights in favour of public interest, its implementation frequently encounters social resistance because communities view land as a symbol of identity and family continuity (Hutabalian, 2022).

In practice, land inherited across generations by communities is often regarded as carrying spiritual, cultural, and moral value that cannot be quantified solely in economic terms, thus turning rights relinquishment into an emotional and psychological burden. Such conditions show that land procurement represents a test of the government's social sensitivity in balancing the demands of public development and the protection of citizens' individual rights (Prawesthi et al., 2019). Procurement processes that overlook the element of substantive justice tend to generate prolonged tensions and opposition at grassroots levels. To prevent enduring conflict, the government must establish open, transparent, and participatory communication systems throughout every stage of the land-acquisition process. Engaging community involvement through deliberative mechanisms bolsters the legitimacy of policy and cultivates a sense of ownership over development outcomes. Moreover, compensation mechanisms must incorporate social, cultural, and psychological variables so that valuations do not give rise to perceptions of injustice (Winarsi, 2023). The government should reinforce the capacities of land-procurement institutions through professionalisation of agents and integration of accurate land-information systems to deter data manipulation. The principle of social justice must serve as the foundational norm such that the execution of land acquisition does not disregard the humanity and fundamental rights of communities (Heryanti et al., 2023). Accordingly, the success of development should be measured not merely by achieving physical project targets, but by preserving social harmony and public trust in the justice of the state.

Following this framework, Article 1 point 2 of Law No. 2 of 2012 concerning Land Procurement for Development for Public Interest affirms that land acquisition constitutes an activity of providing land by granting an adequate and fair compensation to the entitled party. This provision embodies the principle of substantive justice, in which national development interests must remain attentive to the protection of community rights. The law further stipulates that land cannot be taken without appropriate compensation and must proceed on the basis of deliberation. If deliberation fails to yield agreement, the law provides alternative legal procedures, including the use of rights revocation. Article 36 of Law No. 2 of 2012 offers alternative forms of compensation—such as monetary payment, replacement land, resettlement, share ownership, or other forms mutually agreed upon—demonstrating the state's attempt to balance legal certainty with public welfare (Evangelista & Febriana, 2023).

Nevertheless, the legal flexibility does not automatically resolve the intricate problems that emerge during its implementation. This condition illustrates that the presence of adaptive regulation still demands effective execution so that the principle of justice can genuinely materialise in land administration practice. Numerous cases indicate that communities often feel disadvantaged because the compensation value does not correspond with either the market price or the sentimental value of their land (Handayani & Karjoko, 2023). These phenomena reinforce that substantive justice is measured both by economic value and by recognition of the social and emotional attachments inherent in land possession. Divergent perceptions between the government and landowners frequently lead to prolonged social conflicts. This situation reflects how disharmony in communication and legal interpretation can weaken the legitimacy of public policy and diminish societal compliance with state decisions (Prawesthi et al., 2022).

In practical terms, the greatest challenge resides in the lack of transparency during land valuation processes and in the community's limited understanding of their legal rights. This reality underscores the importance of enhancing legal literacy and establishing open valuation systems so that procedural justice is accessible equally to all parties. It shows that land procurement issues are not merely formal legal matters but issues of public trust in the fairness of state policy (Nugraha et al., 2022). Accordingly, the success of the land-law system heavily depends on the

government's ability to build social trust through consistent, transparent law-enforcement oriented toward balancing public interests and individual rights.

From the foregoing, it can be asserted that land acquisition for public interest represents a strategic policy which demands equilibrium between development objectives and the protection of community rights. This policy becomes a tangible test of the state's commitment to applying the social justice principles enshrined in Pancasila and the 1945 Constitution. Legal governance must be oriented toward certainty, equity, and public benefit so that infrastructure development can proceed without sacrificing the basic rights of citizens over lawful land ownership (Rahmatullah et al., 2022). The settlement of land disputes in public-interest procurement requires procedural rules that affirm procedural justice and clarity of rules from the outset (Hutabalian, 2022). Procedural rigour forms the essential basis so that every action taken by the government has strong legal legitimacy and is capable of safeguarding the rights of affected communities. Functional collaboration between the government and society is a prerequisite for processes that are orderly, transparent, and accountable, because the involvement of impacted citizens becomes an indicator of outcome acceptability and policy legitimacy. This principle of active participation demonstrates that public policy will only gain social traction when accompanied by information openness and equitable dialogue between authorities and citizens. Within that framework, the agency requiring land is obliged to facilitate deliberation on the form of compensation as the initial step, as mandated by Article 37(2) of Law No. 2 of 2012 on Land Procurement for Development in the Public Interest. This obligation underscores the role of government as justice facilitator rather than merely holding administrative authority. The minutes of deliberation constitute a formal basis for compensation to the entitled party, thus becoming proof of an agreement reached through participatory procedure (Winarsi, 2023). The legal value of these minutes marks the realisation of consensus and becomes a symbol of social legitimacy for the law process conducted in openness.

From a hierarchical standpoint, the regulatory framework embedded in Law No. 2 of 2012 supersedes the regime set out in Law No. 20 of 1961, based on the principle *lex posterior derogat legi priori*,

which dictates that newer legislation takes precedence when governing the same subject matter. This principle provides guidance for maintaining national legal order by preventing normative overlap that could generate uncertainty in public policy implementation (Winarsi, 2023). Such systemic clarification underscores that deliberative mechanisms stand as the primary forum for assessing compensation fairness, balancing public-project needs, and safeguarding legally-protected land rights (Soraya & Amarini, 2023). From the perspective of administrative law, these deliberative processes constitute the operationalisation of distributive justice, integrating legal certainty with respect for human values. Furthermore, this mechanism fosters public trust in the state by acknowledging ownership rights and citizen involvement in decision-making. Transparency at each stage of the deliberation reduces the potential for disputes and strengthens the moral legitimacy of development policy. A consistent implementation of deliberative procedures also demonstrates the maturity of the legal system in mediating between development imperatives and individual property rights (Gusti et al., 2023). Hence, deliberation-based procedure is more than a mere administrative formality; it is an expression of legal ethics that positions human beings as the principal subjects in national development.

In Law No. 2 of 2012, the land-procurement principles function as normative safeguards that guide each decision toward distributive and procedural justice (Soraya & Amarini, 2023). The principle of humanity demands respect for human rights, dignity and landowners; justice requires compensation that is fair; benefit ensures broad public advantage; certainty guarantees availability of land and compensation assurance; transparency ensures adequate information access for citizens; agreement emphasises deliberation as the means for achieving consent; participation affirms community engagement; welfare targets added value for citizens' livelihoods; sustainability directs development to proceed consistently and continuously; and alignment calls for a balance between the interests of community and state. The normative objective articulated in Article 3 positions land provision as an instrument to enhance national and community welfare while preserving the legal interests of entitled parties. In practice, disagreement concerning compensation value frequently triggers disputes during land acquisition. When consensus is unattained, the

consignment mechanism via the local District Court becomes the channel for resolution so that public projects may continue and compensation funds remain reserved for the rightful recipients. Accordingly, a precise understanding of these principles and objectives of land procurement, together with the prescriptive roles of deliberation and the consignment mechanism, constitute the analytical foundation for assessing whether dispute resolution aligns with the principles of fairness, legal certainty, and accountability embedded in the law (Sumardjono, 2015).

The scholarly inquiry into land-acquisition dispute resolution identifies consignment as a pertinent mechanism for evaluating procedural regularity and rights assurance. In legal-terminological literature, the term consignment bears five meanings: prohibition for a soldier to abandon his unit; prohibition to leave one's workplace owing to duty; assembly of officers at one location to conduct intensive work; deposit of funds with a court; and deposit of merchandise with an agent for future sale. This definitional plurality demonstrates the broad semantic domain of the term; however, within land-acquisition matters the precise reference is the fourth meaning—that is, the deposit of compensation funds with a court to enable continuity of process when direct payment to the rightful party is not feasible (Winarsi, 2023). Empirically, consignment emerges when overlapping rights claims exist, owner addresses are uncertain, or compensation agreement is rejected, prompting the judicial forum to hold funds while the rights determination process continues (Kusumawardani & Sihombing, 2022). This framework underscores two primary necessities: safeguarding the continuity of land-procurement policy for public interest and maintaining a mechanism to prevent escalation of disputes due to absence of a compensation-holding channel (Gusti et al., 2023). Hence, consignment functions as a procedural bridge that secures compensation value under judicial oversight, avoids normative vacuums when compensation execution is delayed, and ensures an auditable administrative record.

In the practice of land procurement for development in the public interest, the nexus between the consignment mechanism and preparatory stages demonstrates the causal relationship between procedural obligations and rights protection. The initial phase requires a notice of the development plan to be delivered to the community within the planned area, via direct

channels or public outreach, in order to ensure that all parties understand the objectives, scope, and impact of the proposed activity. Subsequently, an initial land-data collection must be conducted within a maximum of thirty working days following the notice, the results of which serve as the basis for public consultation. The public consultation is intended to secure agreement on the planned location and is formalised in minutes of meeting conducted at the sub-district or district office or another mutually agreed location. The next step is the governor's determination of the location which functions as the land-procurement permit and provides a legal basis for subsequent administrative acts (Manurung, 2019). This series of phases indicates that the consignment is not an isolated tool, but operates as a complementary mechanism when deliberation on compensation fails, the landowner is unavailable, or the land-right status remains in dispute. Therefore, positioning consignment within the preparatory stage reinforces the importance of transparent information, orderly documentation, and measurable accountability, so that land procurement proceeds in accordance with the principles of humanity, justice, utility, and legal certainty established by Law No. 2 of 2012. Ultimately, consignment confirms the application of procedural standards that minimise social friction and guarantee that compensation funds remain under judicial oversight while the determination of rightful land rights is pending.

Consignment constitutes a legal instrument rooted in Indonesia's civil-law system and functions as a mechanism for fulfilling valid payment obligations when performance of the binding obligation encounters obstacles. The existence of this mechanism demonstrates that Indonesian civil law anticipates situations of creditor refusal or administrative impediments that delay debt settlement (Setyawahyuningtyas, 2023). It also confirms that law does not merely regulate formal compliance, but serves to maintain order in socio-economic relations and prevent harm to both parties. Consignment is thereby a preventive instrument against potential rights violations and reinforces the procedural-justice principle that underlies modern legal systems. Through its application, the law moves beyond normative formulation to operational functionality in safeguarding transaction credibility and public trust in judicial institutions. Further, the presence of consignment shows that Indonesia's legal system has the flexibility to address complex civil-law

issues without undermining legal certainty. The mechanism also strengthens the judiciary's role as the guardian of balance between individual rights and public interests within the civil sphere. Consequently, consignment functions as both an administrative means of resolving payment disputes and a reflection of legal-responsibility principles that integrate justice, certainty, and utility into one framework. This mechanism affirms that the Indonesian civil-law system is adaptive and responsive to evolving socio-economic dynamics (Sumardjono, 2015).

Moreover, consignment demonstrates how a legal instrument can act as the safeguard of social structure by preventing potential conflicts among transacting parties. Its implementation offers concrete evidence that law can serve as a mechanism for reconciling balanced interests between transaction participants and rights-holders (Rahayu et al., 2019). Thus, consignment strengthens the conviction that Indonesia's legal system possesses normative tools capable of regulating, protecting, and stabilising civil-law relations within the framework of just rule of law.

Within the national legal framework, the provisions regarding consignment are articulated in Articles 1404 through 1412 of the Indonesian Civil Code, which stipulate that the deposit of money or goods with the court may be employed to fulfil an obligation when the creditor refuses to accept payment (Oksitania & Hesti, 2021). These provisions affirm that the judiciary functions as a legal authority that ensures the lawfulness and equity of civil obligations. In this respect, the court carries out both adjudicative and administrative roles that confer formal and measurable legitimacy to the discharge of legal obligations. These functions reflect the court's strategic role in mediating between obligors and creditors so that every form of debt settlement retains a defensible legal basis.

The involvement of the judiciary in the consignment process ensures that every legal act is executed with high accountability and transparency, and simultaneously prevents the potential abuse of power by one party (Ginting, 2022). Accordingly, consignment reinforces public trust in the legal system as a means of orderly and peaceful fulfilment of obligations. This mechanism also embodies the principle of legal protection which places justice and certainty as the two primary pillars in the execution of obligations. Conceptually, the existence of the court as a repository for funds or goods underscores the principle that the state is present to guarantee that

every citizen's rights and obligations are carried out in balanced fashion. This shows that law does not remain at the normative level, but operates functionally through organised institutional structures. The implementation of consignment simultaneously demonstrates the adaptability of the Indonesian legal system to complex civil-law relations within a modern society. The court's oversight of the deposit process ensures that every delayed transaction remains within the bounds of legality and avoids manipulative practices (Hutabalian, 2022). Through this capacity, the judiciary serves not only as a forum for dispute resolution but also as a guardian of legal certainty and administrative order. Consignment provides concrete evidence that Indonesia's legal system possesses a responsive and measured mechanism to safeguard the balance between substantive and procedural justice (Setyawahyuningtyas, 2023).

The term consignment itself originates from the Dutch language word *consignatie*, which means the deposit of money or goods with the court for the purpose of satisfying a legal obligation. This etymological origin indicates that the concept of consignment is the result of legal adoption that integrates principles of responsibility and rights protection within modern civil-law relations. Tracing its roots reveals that Indonesia's legal system is continuous with the continental European tradition that emphasises procedural certainty in the fulfilment of civil obligations. This fact underscores that the national legal system is grounded in the principle of legal rationality, prioritising administrative order and procedural clarity as instruments to maintain the balance between parties' rights and obligations (Setyawahyuningtyas, 2023).

Through this mechanism, a debtor may be declared released from his or her obligation after making a valid deposit in accordance with the law. This process confirms the principle of *pacta sunt servanda* – that the obligations agreed upon must be fulfilled in accordance with the law – even in the presence of administrative obstacles or unilateral refusal by the creditor. Thus, consignment functions to provide legal protection for the party obliged to pay while ensuring that the performance of obligations continues without generating legal uncertainty (Fitriani, 2022). Accordingly, consignment enhances legal certainty and the sense of fairness for all parties, while safeguarding the continuity of the system of obligations, which is fundamental to orderly civil law in Indonesia (Oksitania & Hesti, 2021).

In both civil practice and the implementation of public policy, situations frequently arise in which a creditor refuses payment offered by a debtor. This reflects the reality that legal relationships in the civil sphere do not always follow a linear path, as psychological, economic and social factors influence the acceptance of agreed obligations (Fitriana & Setiasih, 2022). A similar scenario emerges in land-acquisition for public-interest development when the entitled party rejects the compensation determined by the government (Prawesthi et al., 2019). Such refusal signifies a potential tension between the formal dimension of law and society's perception of social justice. This refusal may stem from misunderstandings about compensation valuation, absence of the landowner or heir, or socio-cultural beliefs tied to the land. In its social dimension, land often serves as a symbol of family existence and identity handed down through generations, so the process of releasing rights may evoke emotional resistance. In these circumstances, the debtor retains the right to perform an *aanbod van gereede betaling* or offer of readiness to pay as a fulfilment of the legal obligation. This mechanism reflects the principle of good faith in obligations, ensuring a balance between the debtor's and creditor's positions. If such an offer remains rejected, the compensation can be consigned to the district court as execution of the lawful obligation (Setyawahyuningtyas, 2023). This procedure provides legal certainty by confirming that payment obligations have been satisfied via lawful methods, even without direct consent of the recipient (Tampubolon et al., 2020).

Consignment functions as a legal stabilisation instrument that prevents the stagnation of public-policy implementation owing to administrative disputes (Oksitania & Hesti, 2021). In addition, this mechanism confers juridical legitimacy on state action when development projects must proceed without violating community civil rights (Dipta & Johan, 2022). From the perspective of the legal system, the existence of consignment affirms the principle *pacta sunt servanda*, which ensures that every obligation remains valid and enforceable. Within state administration practice, this procedure serves as a bridge between development imperatives and the respect for individual citizen rights (Hajati, 2019). Accordingly, consignment offers concrete evidence that the balance between legal certainty and social justice can be realised by means of measurable, transparent and accountable legal instruments.

Compensation for land often becomes a critical juncture in land acquisition for public-interest purposes because it addresses the balance between individual rights and public interest (Hutabalian, 2022). In the view of Mogi (2021), such compensation must encompass redress for both physical and non-physical losses arising from land acquisition, including loss of structures, crops or other assets that support the community's livelihood. This principle confirms that proper compensation is not limited to a material calculation but serves as a form of state recognition of the economic and social rights of citizens impacted by development. However, its implementation frequently encounters obstacles due to divergences in perception between the government and landowners regarding fair compensation value, reflecting disparities in legal knowledge, information access and bargaining power of communities within the land-acquisition process (Gusti et al., 2023).

In operational practice, when a rightful party refuses payment or fails to file a legal objection with the court, land-acquisition implementers may resort to a consignment mechanism, depositing compensation funds with the District Court as a form of legal compliance and an effort to ensure continuity of public projects (Soraya & Amarini, 2023). This process provides a legal guarantee that community rights remain protected while the government retains the capacity to proceed with development despite administrative uncertainty. As Sumardjono (2015) observes, this mechanism serves as a legal solution to the stagnation of compensation execution caused by refusal, owner absence, or unclear land-right status. In a broader sense, consignment functions as the manifestation of the procedural-justice principle, ensuring that citizens' rights are acknowledged even if they have not yet received direct compensation. The existence of this mechanism illustrates how law functions as a balancing tool between national development interests and individual property rights (Prawesthi et al., 2019).

Transparency in the consignment process legitimises the government's continued execution of development without ignoring social-justice principles (Oksitania & Hesti, 2021). Within the framework of public administration, this mechanism shows the role of law as a technocratic instrument that regulates development implementation on the basis of legal certainty and transparency. The regulation of consignment reinforces the principle that economic

development must align with human-rights respect and protection of lawful ownership. Moreover, the mechanism signals that the national legal system is capable of adapting to the social dynamics emerging from development processes. Over the long term, consignment strengthens the foundational public trust in the legal system as a means of resolving disputes in a peaceful and dignified manner (Setyawahyuningtyas, 2023). Consequently, consignment is not merely an administrative act but a tangible expression of the harmony between justice, certainty, and public benefit in the Indonesian legal system.

The implementation of consignment in land-acquisition for public development is regulated in detail in several instruments, including Supreme Court Regulation No. 3 of 2016 concerning Procedures for Filing Objections and Depositing Compensation with the District Court in Land Procurement for Public Interest, and Supreme Court Circular No. 2 of 2021 which sets a maximum resolution period of fourteen working days from the date the application is declared complete and registered. These provisions demonstrate the judiciary's commitment to the principles of speed, simplicity, and low cost as mandated by the national judicial system. The regulations reinforce the judiciary's role as overseer of administrative legality in land procurement, ensuring each process of compensation deposit proceeds according to the due-process principle (Gusti et al., 2023). From a juridical perspective, these provisions affirm that the implementation of consignment is not a purely technical-administrative matter but an integral part of legal-certainty assurance for the parties involved. The explicit time-limit provisions serve to contain protracted disputes and prevent development stagnation. This measure also shields the government from potential legal infractions that may result from delays in realising citizens' rights to compensation. Judicial oversight of the consignment implementation likewise represents a concrete application of the legality principle, ensuring every government action is based on lawful and proportionate grounds (Margaretha & Putra, 2022). Substantively, the regulation demonstrates the balance between public interest and protection of individual rights, whereby national development continues without marginalising citizen justice.

From a normative perspective, the detailed regulation reaffirms the role of the court as an adjudicative institution and guardian of

administrative legal order. The existence of these rules clarifies the boundary between executive and judicial authority in the land-procurement process, thereby ensuring that every decision possesses legal legitimacy subject to formal and material scrutiny. Consequently, consignment emerges as a legal instrument that integrates the principles of justice, legal certainty, and public utility into a single legal system oriented toward protection of citizens' constitutional rights (Setyawahyuningtyas, 2023).

The procedural stages for implementation of consignment have been systematically formulated to guarantee accountability and transparency at each procedural step. According to guidelines from the Directorate General of the General Judiciary (2023), the first stage begins with a debtor or applicant submitting a petition to the District Court. That petition must be accompanied by a petition clause declaring valid readiness to pay and requesting that payment by consignment be recognised as legally effective. Subsequently, the applicant is required to pay the case fee advance and the application is entered into the register to ensure administrative legality. The Chief Judge then issues a determination for payment execution, which is carried out by a bailiff in the presence of two witnesses to ensure integrity of the action. If the entitled recipient refuses payment, the bailiff must create a record of the refusal and the funds are handed to the court clerk to be held officially in the State Treasury (Oksitania & Hesti, 2021).

This sequence of procedures reflects a binding legal order that obliges all parties so that every phase can be accounted for both formally and materially. Each component of the process functions as a control mechanism to prevent deviation and to ensure that all actions are based on valid legal norms (Prawesthi et al., 2019). With a structured system in place, consignment becomes a concrete manifestation of the principles of justice and legal certainty in the context of national land procurement. Direct oversight by judicial officers reinforces the legitimacy of legal actions undertaken and provides assurance that the process remains within statutory limits. From a jurisprudential perspective, the mechanism exemplifies synergy between the principle of legality and the principle of public accountability in the resolution of civil obligations with social dimensions (Soraya & Amarini, 2023). The involvement of a bailiff and witnesses in each stage underscores the significance of objectivity,

transparency, and record-keeping as admissible legal evidence. Moreover, the engagement of the court as an independent institution guarantees that every consignment action possesses unimpeachable institutional legitimacy. At a normative level, this procedural structure affirms the function of the law as an instrument that regulates and protects the rights of the involved parties. Thus, the implementation of consignment serves as a concrete expression of justice founded on the principles of legal certainty, integrity, and openness within the national legal system.

From this analysis it may be concluded that consignment is a strategic legal mechanism in maintaining the sustainability of national development without neglecting societal rights. The procedure ensures a balance between public interest and individual protection, while upholding the principles of justice, transparency, and legal certainty as mandated by Indonesian legislation.

CONCLUSION

This study examines land acquisition for public purposes by placing Pancasila, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, and Law Number 5 of 1960 as the main legal foundations. The research focuses on the implementation of Law No. 2 of 2012 concerning Land Acquisition for Development for Public Interest and Law No. 20 of 1961 concerning Revocation of Land Rights, with the aim of assessing the effectiveness of deliberation and consignment mechanisms in resolving land disputes. The results of the study show that although the normative framework is adequate, implementation still requires improvements in accountability, transparency, and procedural consistency so that land acquisition is carried out in accordance with the principles of social justice. Consignment has proven to be an effective mechanism in guaranteeing the rights of the community without hindering the development process. Theoretically, this research strengthens the understanding of distributive justice in land law, while in practical terms, the results are expected to form the basis for improving land acquisition policies and refining the dispute resolution system in Indonesia.

Strengthening land acquisition governance needs to focus on clear assessment methodologies, accurate tracking of ownership status, and auditable documentation of deliberations. Dissemination of evidence-based information to

affected residents needs to be prioritized so that compensation parameters, procedural stages, and options for compensation are fully understood. Judicial institutions and implementing agencies need to optimize coordination so that consignment requests meet completeness standards from the outset, thereby ensuring that deadlines for completion can be met. Local socio-cultural studies need to be considered in the initial planning stage to minimize resistance. The development of an integrated inter-agency land database will help prevent recurring disputes.

Theoretically, these findings reinforce the urgency of distributive and procedural justice in agrarian law, with deliberation and consignment serving as instruments that balance certainty and benefit. Juridically, consignment affirms the position of the court as the supervisor of compensation flows, as well as the guarantor of formal evidence of the implementation of obligations. In terms of policy, the government needs a consistent public communication and data management design so that the land acquisition process is more transparent, measurable, and credible in the eyes of citizens, thereby increasing trust in land law and ensuring that accelerated development does not conflict with the protection of rights.

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