



## Legal Review of Land Disputes Between Private Landowners and The Government In The Construction of A Community Health Center (Puskesmas) Based on Law Number 2 Of 2012 (Case Study of Court Decision Number 52/Pdt.G/2023/PN Cjr)

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**Abstract:** This research examines a land dispute between a private landowner and the local government concerning the construction of a public facility without following lawful land acquisition procedures. The study focuses on Decision No. 52/Pdt.G/2023/PN Cjr issued by the Cianjur District Court, in which the Cianjur Regency Government built and operated the Muka Public Health Center (Puskesmas) on land owned by the plaintiff, without any process of land release, negotiation, or compensation. This study aims to analyze the legal provisions on land acquisition under Law No. 2 of 2012, the legal protection of private land rights, the legality of the Puskesmas construction, and the court's legal reasoning. A normative legal research method was used, employing statutory and case approaches. The findings show that the development was unlawful, yet the court did not provide any concrete remedy to the landowner. The judgment acknowledged the unlawful act but did not order the demolition of the building or compensation by the government. This reveals a gap between legal recognition and substantive justice.

**Keywords:** Land Acquisition, Property Rights, Unlawful Act, Public Interest, Court Decision.

### INTRODUCTION

Land is one of the natural resources that holds strategic value in social, economic, and political life. The existence of land not only relates to its use but also carries complex legal dimensions, particularly concerning ownership rights. In Indonesian agrarian law, land rights are guaranteed under the Basic Agrarian Law (UUPA) as a form of the state's recognition of individual and legal entities' rights to land ownership.

According to Boedi Harsono (2005), land should not merely be seen as immovable property but as an integral part of living space, where individuals and communities build their existence. Therefore, any actions involving land—whether transfer, utilization, or acquisition must uphold the principles of justice, legal certainty, and respect for inherent rights.

Within the framework of national development, the demand for land continues to rise, particularly for infrastructure, public services, and regional development. The government, as

the executor of state functions, has the authority to conduct land acquisition for development in the public interest. This is regulated by Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, which normatively aims to balance development needs with the protection of citizens' property rights.

This law emphasizes that every land acquisition for public interest must be carried out through transparent, participatory, and accountable procedures. The process includes planning, preparation, implementation, and the provision of fair and adequate compensation. According to Article 9, paragraph (2) of Law No. 2 of 2012, compensation may be given in the form of money, replacement land, resettlement, shares, or other forms as agreed upon. This principle underscores that landowners must not be disadvantaged unilaterally during state-driven development processes.

However, the reality on the ground does not always align with the prevailing regulations. Data from the National Commission on Human Rights (Komnas HAM) shows that throughout 2022, there were more than 100 reported land disputes between communities and local governments, many of which resulted in violations of land rights. This indicates that despite normative regulations, the implementation of land acquisition still faces serious challenges. Disputes often stem from unclear legal land status, the exclusion of rightful owners from consultation processes, and development carried out without lawful land acquisition procedures.

Protection of land rights has become a central issue in the national agrarian legal system, particularly when the state—through development policies—faces citizens defending their ownership rights. The tension between public interest and individual rights demands the presence of a legal system that is fair, firm, and aligned with the principles of substantive justice. Failure to manage the legal aspects of land acquisition not only risks violating human rights but also undermines public trust in a law-based government.

The urgency of examining land acquisition disputes becomes even greater when the object of development involves public health facilities such as community health centers (*puskesmas*). On one hand, the existence of *puskesmas* is essential to fulfill citizens' basic rights to healthcare services. On the other hand, such development must not disregard legal procedures and the constitutional rights of individuals to their land. This situation calls for in-depth legal analysis of the land acquisition mechanisms carried out by the government, particularly in the context of the implementation of Law No. 2 of 2012 and the principles of justice that must be upheld.

Therefore, it is crucial to review how land acquisition law is concretely implemented in the construction of public facilities, and to what extent the state respects and protects the rights of private landowners. This study is necessary not only to fill academic gaps but also as a contribution to strengthening equitable legal practices in the context of national development.

### **Problem Formulation**

The formulation of the problem is an important element that determines the direction and scope of the discussion. The formulation of the problem is prepared to formulate the main questions that need to be analyzed systematically and in depth. The existence of a conflict of interest between individual rights to land and the need for development for the public interest raises various legal issues that need to be studied further. Therefore, to focus the study and avoid too broad a discussion, the formulation of the problem in this study is:

1. What are the legal provisions for land acquisition for the public interest according to Law No. 2 of 2012 and its implementing regulations?
2. How is the legal protection of private land rights in land acquisition for the public interest?

3. Is the construction of the Health Center by the Cianjur Regency Government in the case of Decision Number 52/Pdt.G/2023/PN Cjr in accordance with the provisions of the land acquisition law?
4. What are the legal considerations of the panel of judges in deciding the case of Decision Number 52/Pdt.G/2023/PN Cjr?

### Research Objectives

Based on the background above, the objectives of this study are to:

1. Describe the legal provisions governing land acquisition for development in the public interest as stipulated in Law Number 2 of 2012 and its implementing regulations.
2. Analyze the form of legal protection for private land rights in the land acquisition process for the public interest.
3. Assess the suitability of the construction of the Health Center by the Cianjur Regency Government in the case of Decision Number 52/Pdt.G/2023/PN Cjr with the applicable land acquisition law provisions.
4. Examine the legal considerations used by the panel of judges in deciding the case of Decision Number 52/Pdt.G/2023/PN Cjr, reviewed from the normative aspects and relevant legal facts.

### METHOD

This study uses a normative legal research method, namely research that is based on an analysis of applicable positive legal norms. The approaches used are the statutory approach and the case approach. The statutory approach is carried out by examining legal provisions relating to land acquisition for public interest, especially Law Number 2 of 2012 and its implementing regulations. Meanwhile, the case approach is carried out by reviewing and analyzing the Cianjur District Court Decision Number 52/Pdt.G/2023/PN Cjr as an object of study that represents the conflict between private landowners and the government in the construction of public facilities. The data sources used in this study consist of primary legal materials, namely laws and court decisions, as well as secondary legal materials in the form of literature, journals, and other relevant legal documents. Data analysis is carried out qualitatively, by interpreting the contents of legal norms and judges' considerations to draw systematic and argumentative legal conclusions.

### RESULT AND DISCUSSION

#### Legal Provisions on Land Acquisition for Public Interest According to the Law

Land acquisition for public interest is one of the essential aspects of national development. The demand for land to build public facilities such as roads, schools, hospitals, and other strategic infrastructure often gives rise to complex legal dynamics, especially concerning the protection of citizens' property rights. To balance development needs and individual rights, the state has established a legal mechanism for land acquisition through Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest.

According to Article 1 point 2 of Law No. 2 of 2012, land acquisition is defined as "the activity of providing land by granting fair and proper compensation to the entitled party." Land acquisition is carried out by the government or a legal entity authorized by the government, and it is intended for development projects that provide the greatest benefit to the broader public. Article 10 of the law outlines 18 types of activities categorized as being in the "public interest," including facilities for defense and security, healthcare services, education, transportation, public cemeteries, and other public service facilities.

Law No. 2 of 2012 stipulates that the land acquisition process must go through four main stages

### **1. Planning**

The government determines the development needs that require land and identifies the proposed location. Land acquisition planning is carried out by the agency requiring the land and is documented in a land acquisition planning document (Articles 8–9).

### **2. Preparation**

This stage involves the formation of a preparation team by the Governor, public consultations, and the determination of the development location by a gubernatorial decree, taking into account community and stakeholder input. Article 14 of the law mandates that the results of public consultation must be openly disclosed to ensure transparency.

### **3. Implementation**

The implementation stage is carried out by the National Land Agency (BPN), which is responsible for identifying and verifying the subjects and objects of land acquisition. Negotiations with landowners are then held to determine the form and amount of compensation. In the case of a dispute, compensation may be determined by an independent appraisal body and, if necessary, through court proceedings (Articles 33–41).

### **4. Handover of Results**

After compensation is paid and land rights have been relinquished, the land acquisition results are handed over to the agency requiring the land, to be used according to the development plan (Articles 42–43).

More technical provisions regarding the implementation of land acquisition are regulated under Presidential Regulation No. 71 of 2012 concerning the Implementation of Land Acquisition for Development in the Public Interest, which has been amended several times, most recently by Presidential Regulation No. 148 of 2015. This regulation explains that compensation may be provided in the form of money, replacement land, resettlement, shares, or other agreed-upon forms (Article 74 of Presidential Regulation 71/2012). The valuation of compensation is carried out by an independent appraiser to ensure that it is objective and fair.

Law No. 2 of 2012 and its implementing regulations also emphasize key principles in the land acquisition process, namely: humanity, justice, benefit, legal certainty, transparency, participation, consensus, and welfare. These principles serve as guidelines throughout each stage to ensure that community rights remain protected during the development process.

## **Legal Provisions and Dispute Resolution in Land Acquisition for Public Interest**

In practice, the existence of dispute resolution mechanisms—both administrative and judicial—is crucial to ensure that land acquisition is not conducted unilaterally. Therefore, land acquisition law positions deliberation as the primary instrument for reaching agreement between the government and landowners, employing a non-coercive approach that still respects individual rights. Accordingly, the legal provisions in Law No. 2 of 2012 and its implementing regulations are designed to balance the urgency of development with the constitutional protection of land ownership rights, guided by principles of justice, legal certainty, and respect for citizens' rights.

## **Legal Protection of Private Land Ownership in Land Acquisition for Public Interest**

Land rights are part of civil rights guaranteed by the constitution and are strongly protected under the law. The state is obligated to respect and protect these rights, particularly when land is needed for development that serves the public interest. The process of land acquisition for public facilities must not ignore the legitimate ownership rights of individuals. When the state implements development projects, respect for property rights is a fundamental requirement to ensure that the process does not violate the principles of legal justice.

Article 28H paragraph (4) of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to private property and that such property cannot be arbitrarily taken. This provision provides a constitutional guarantee that land ownership rights cannot be set aside simply in the name of public interest. Any state action involving land control must adhere to legal procedures and uphold the principle of respect for citizens' rights.

Law No. 2 of 2012 establishes the principles of land acquisition, including humanity, justice, benefit, legal certainty, transparency, participation, and welfare. These principles serve as a foundation to ensure that landowners are treated fairly and are not materially or immaterially disadvantaged. The land acquisition process must be based on genuine deliberation, not merely administrative formalities. The determination of compensation value, form of compensation, and transfer of rights must be carried out through an open and active process involving landowners.

Maria S.W. Sumardjono argues that legal protection of land rights goes beyond formal recognition; it also includes legal certainty and guarantees of fair compensation when such rights must be relinquished for development. She states that respect for these rights is the foundation of a fair and sustainable agrarian system.

Legal protection is also addressed by Eddy Damian in his study titled *Legal Protection of Land Rights in Land Acquisition for Public Interest*. He emphasizes the importance of clear legal procedures and accessible dispute resolution mechanisms to prevent landowners from being placed in a disadvantaged position against the state. Fair compensation procedures and the right to file objections are concrete forms of such protection.

Ridwan HR explains that legal protection for citizens can be both preventive and repressive. Preventive protection is ensured through public participation, consultation, and transparency in each stage of the land acquisition policy. Repressive protection is provided through the right to sue in court if a landowner believes their rights have been violated or disrespected by the government.

These legal protection principles demand that the state not only focus on the outcomes of development but also on how that development is carried out. A process that disregards citizens' land rights will lead to social conflict, distrust in government institutions, and delegitimization of the development itself. Thus, the success of land acquisition is measured not only by the realization of projects but also by the extent to which the process upholds justice and the rule of law.

### **Assessment of the Compliance of the Community Health Center (Puskesmas) Development by the Cianjur Regency Government with Land Acquisition Law**

The dispute in case Number 52/Pdt.G/2023/PN Cjr began with a claim by a resident named Iwan Santoso over a plot of land measuring approximately 474 m<sup>2</sup>, located at Jalan Dr. Muwardi No. 2A, Muka Village, Cianjur Regency. Based on a Deed of Sale and Purchase Agreement made before a notary in 1995, the land was purchased by the plaintiff from the heirs of the previous owner. Without any compensation or consultation with the plaintiff, the Cianjur Regency Government constructed and operated the Muka Community Health Center (Puskesmas) on the land. After the construction was completed and the facility became operational, there was never any legal administrative transfer of ownership from the owner to the government.

The plaintiff felt that his rights had been ignored and filed a lawsuit because the land he lawfully owned and controlled was used without his permission. The government claimed to have resolved the dispute with the heirs through a peace agreement deed and assumed that the land was free of claims from other parties, even though the plaintiff held an earlier deed of sale and purchase that had a valid legal basis.



Article 9 paragraph (1) of Law No. 2 of 2012 mandates that land acquisition must be conducted by providing fair and proper compensation. The process involves not only compensation but must also include the stages of planning, preparation, implementation, and handover, which must be conducted transparently and with the involvement of those entitled to the land. Article 36 paragraph (1) states that deliberation between the party requiring the land and the rightful owner is an essential element before determining compensation. There was no evidence in this case indicating that the Cianjur Regency Government ever invited or involved the plaintiff in such a deliberation.

Article 42 stipulates that the results of land acquisition can only be transferred to a government agency after the land rights have been legally resolved and released. The government's use of land without formal relinquishment from the rightful owner—especially without compensation—is in direct violation of this provision. Such actions also contradict the principles of justice and legal certainty as outlined in Article 2 of Law No. 2 of 2012.

The use of the peace agreement between the government and the heirs as the basis for land control is invalid because it did not involve the party who had previously entered into a valid sale agreement. The deed cannot nullify the legal rights obtained by the plaintiff through a prior legitimate transaction. Furthermore, the peace agreement does not automatically transfer land rights to the government in the absence of a formal, procedural land acquisition process.

The court ruled that the government committed an unlawful act by constructing and operating the community health center without following the required land acquisition procedures as mandated by law. The government lacked a strong legal basis to control land that was clearly possessed by the plaintiff. Although building a community health center serves public needs, its implementation must still comply with legal principles and procedures.

Based on the explanation above, it can be concluded that the construction of the Muka Community Health Center by the Cianjur Regency Government did not comply with the legal provisions of land acquisition as stipulated in Law No. 2 of 2012 and its implementing regulations. The occupation of land without a lawful acquisition process and without providing compensation to the rightful owner constitutes a violation of property rights and reflects an unlawful administrative action.

### **Legal Considerations of the Panel of Judges in Deciding Case Number 52/Pdt.G/2023/PN Cjr**

The plaintiff, Iwan Santoso, filed a lawsuit with the Cianjur District Court because a plot of land he owned had been occupied and developed into the Muka Community Health Center (Puskesmas) by the Cianjur Regency Government without any legal transfer of rights, compensation, or agreement. The disputed land, approximately 474 m<sup>2</sup> in size, had been acquired by the plaintiff through a Deed of Sale and Purchase Agreement (APJB) in 1995 with the heirs of the previous owner. He had fully paid for the land and had been in physical possession of it ever since.

The Cianjur Regency Government later constructed the Puskesmas on the land without ever contacting or involving the plaintiff. The government argued that it had resolved the land status through a peace agreement with the heirs, not with the plaintiff. Based on this document, the government believed it had the right to control and use the land.

During the trial, the panel of judges examined various pieces of evidence. The plaintiff submitted the APJB, a receipt confirming full payment, and witness statements supporting his ownership. The defendant (government) failed to provide any proof of a legal transfer of rights from the plaintiff or documentation of compensation. The government relied solely on

the peace agreement with the heirs, without presenting any official documentation of rights transfer.

The panel of judges found that based on the evidence and legal facts revealed during the trial, the plaintiff had legally acquired and possessed the land since 1995. The government had no legal basis to build on the land and had not followed the land acquisition procedures mandated by Law No. 2 of 2012. There had been no planning, preparation, implementation, or formal handover stages as required. There was no negotiation with the rightful owner, no compensation paid, and no official decision declaring the land to be released for public interest.

The peace agreement between the government and the heirs was deemed not legally binding on the plaintiff, as he was not a party to the agreement. According to the general principles of contract law in civil law, third parties are not bound by agreements to which they are not parties. Therefore, the government's actions in building on the land without legal basis were deemed unlawful.

The judges concluded that the actions of the Cianjur Regency Government met the elements of an unlawful act as stipulated in Article 1365 of the Indonesian Civil Code (KUHPdata), namely:

1. An act,
2. That is against the law,
3. That causes harm, and
4. A causal relationship between the act and the harm.

All these elements were fulfilled because the plaintiff, as the rightful landowner, had never relinquished his rights, had never received any compensation, and the land was unilaterally occupied and used by the state.

However, although the panel declared that the government had committed an unlawful act, it did not grant the plaintiff's request for the demolition of the Puskesmas building. The judge considered that the building was a public facility that had long been operating and providing services to the community. The verdict also did not include an order for compensation or damages to be paid to the plaintiff. The government was not ordered to pay anything, and the Puskesmas continues to operate as usual.



**Figure 1.** Front view of the Muka Health Center  
(source:tiktok.com/@puskesmasmukacianjur)

This consideration shows that even though the state was found guilty, the plaintiff did not receive concrete rights recovery. There is no ruling regulating the return of land, monetary compensation, or other forms of recovery. The plaintiff's rights are recognized normatively, but are not given a way out factually. This situation shows a form of inequality

between legal decisions and the recovery that should be given by the court to the injured party.

This decision raises further questions about the effectiveness of legal protection for citizens when dealing with the state. If the state is proven to be against the law but is not required to repair the consequences of its actions, then there is a risk of ignoring land rights which further weakens the principle of legal justice.

## CONCLUSION AND SUGGESTIONS

### Conclusion

1. Land acquisition for development in the public interest has been systematically regulated under Law Number 2 of 2012 and its implementing regulations. This process must be carried out through the stages of planning, preparation, implementation, and handover, while ensuring the rights of those entitled to the land. Principles such as justice, transparency, and legal certainty serve as the foundation to ensure that development does not infringe upon private property rights. Fair and adequate compensation is a key element in providing legal protection for landowners.
2. Ownership rights over land are protected as constitutional rights that cannot be arbitrarily taken. Landowners have the right to be involved in the land acquisition process through consultation, to receive fair compensation, and to be granted legal protection both preventively and repressively. When development is carried out without proper procedures, landowners' rights become vulnerable and neglected. Legal protection becomes ineffective if the state fails to provide a concrete recovery mechanism for affected citizens.
3. The construction of the Community Health Center (Puskesmas) by the Cianjur Regency Government did not comply with the legal provisions governing land acquisition. The development was carried out without any lawful land acquisition process, without consultation, and without compensation to the rightful landowner. This action violates Law Number 2 of 2012 as well as principles of administrative and civil law. The state, as a legal subject, has violated both formal legal procedures and substantive justice owed to its citizens.
4. The panel of judges declared the government's actions to be unlawful, yet the decision did not mandate the demolition of the Puskesmas building or compensation to the plaintiff. Although the plaintiff's land rights were legally recognized, no actual restitution was provided. This ruling highlights a disparity between the recognition and restoration of rights. The state continues to retain a building constructed unlawfully, while the rightful owner loses their land without any form of compensation.

### Suggestions

1. For the Government, Regional and Central Governments must improve compliance with land acquisition procedures in accordance with Law Number 2 of 2012. Any development involving private land must be carried out transparently, participatively, and based on the principle of fair compensation to avoid legal conflicts in the future.
2. For the Court, Judicial institutions need to consider a balance between normative aspects and substantive justice aspects. Decisions that state against the law should be accompanied by real restoration of rights for citizens, so as not to cause inequality and a sense of injustice in society.
3. For the Community, the Community needs to increase legal awareness by ensuring that all land transactions are accompanied by valid legal documents and immediately register land rights with the land office so that they have stronger legal force before the state.



4. For Academics and Legal Observers, This case is an important example that the renewal of the theory and practice of land rights protection needs to be continuously studied. The legal approach should not stop at recognition alone, but must touch on aspects of real restoration and justice for individuals who are harmed by government actions.

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