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Legal Aspects of Land Acquisition for the National Capital City (IKN) of the Nusantara

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Abstract: This study aims to analyze the legal aspects of land acquisition in the development of the National Capital City (IKN) of the Nusantara. Referring to Presidential Regulation Number 65 of 2022 concerning Land Acquisition and Land Management in the Capital City of the Nusantara, as well as other related laws and regulations such as Law Number 2 of 2012 concerning Land Acquisition and Law Number 6 of 2023 concerning Job Creation, this study identifies challenges and obstacles in its implementation. Primary data is obtained from official legal documents, while secondary data is collected from scientific literature, legal journals, and international case studies. The results of the study show that although the regulation has provided a strong legal basis, there are significant obstacles such as land ownership disputes, inconsistencies in land certificates, and the assessment of compensation prices that are considered low by the community. In addition, indigenous peoples' communal property rights have not been fully accommodated. Agrarian conflicts between state law and customary law add to the complexity of this problem. This study recommends improving regulations and implementing fairer and more transparent implementation to ensure the success of land acquisition and the protection of the rights of affected communities in the Nusantara IKN development project.

Keyword: Legal Aspects, Land Acquisition, State Capital (IKN).

INTRODUCTION

The development plan for the National Capital City (IKN) of the Nusantara has been regulated in Law Number 3 of 2022 concerning the State Capital. The capital city of the Nusantara has a vision as a world city for all that is built and managed with the aim of becoming a sustainable city in the world, as a driver of Indonesia's economy in the future, and a symbol of national identity that represents the diversity of the Indonesian nation based on Pancasila and the 1945 Constitution of the Republic of Indonesia. With Law Number 3 of 2022, the State Capital of the Special Capital Region Province of Jakarta will be transferred its functions and roles to the Nusantara Capital City which will be built in two districts in East Kalimantan, namely North Penajam Paser and Kutai Kartanegara Regency (Handoko & Rohmah, 2023).

The Nusantara Capital City Arena (IKN) will be built for the core area of the government center of approximately 6,700 hectares. The construction of the Nusantara's capital city is estimated to cost Rp 466.98 trillion. The location of the IKN is not only empty land controlled by the state but has a relationship with various things. First, currently the area still has the status of a Forestry Cultivation Area (KBK). Forestry Cultivation Areas (KBK) are areas (in the Spatial Plan) that are designated with the main function to be cultivated, managed or maintained as forests based on the conditions and potential of their various resources (natural, human, artificial). Residential and agricultural land or community fields in ring 1 of the IKN are still in KBK status. With this status, local residents are worried that they are very likely to be relocated to another location.

Second, the existence of indigenous peoples around the IKN Area that has been passed down from generation to generation has maintained their existence since the early generations. Indigenous peoples depend on the nature of the surrounding environment. They live there by occupying land with communal status/customary rights, aka customary land. Land ownership and ownership in customary law societies in general, in addition to being known for the existence of individual ownership land, it is also known for the existence of jointly owned land (communal) which is commonly referred to as customary rights to land. In laws and regulations, the term customary rights are used. Customary rights to this land can be in the form of agricultural land, plantations, grazing fields, cemeteries, ponds, rivers, and forests (Handoko & Rohmah, 2023).

In the case of the development of the Nusantara IKN, local residents living in the Sepaku and Samboja areas and its surroundings will be affected by the influence of other communities that enter. With the development of the Nusantara IKN, local residents are likely to be displaced and lose their source of livelihood because the forest will be built into a new National Capital area equipped with various kinds of new infrastructure. In this case, it is very vulnerable to violations of the rights of local residents and their right to life. Conflict can also be triggered because there are differences of opinion between components in society, making them defend each other's egos and cause conflicts (Sauni, 2016). At this point, agricultural lands or customary lands, especially in the IKN area, are very vulnerable to being targeted by forced acquisition, including land conversion will be increasingly expansive, in the name of development. New Order-style practices, namely the unilateral seizure of land rights of local or customary communities, are very likely. Currently, with massive and excessive infrastructure policies, various agrarian conflicts have been born that are widespread in various regions in Indonesia.

(Rachman & Siscawati, 2016) said that the main cause of agrarian conflicts stems from the dominance of the land tenure system derived from state law, where the state unilaterally provides great services to capital owners to develop their businesses in managing land and other natural resources, including forest products. Meanwhile, the rights of local communities who have long lived and developed their own system to manage land and other natural resources are ignored and violated. In fact, what happens is not only the domination of one legal system (read: state law), but also the practice of state domination over society which is colored by elements of structural violence, because the main source comes from the state apparatus. This can also happen in the Nusantara IKN Area.

The purpose of this study is to comprehensively analyze the legal framework of land acquisition in the context of the development of the National Capital City (IKN) of the Nusantara. This study aims to identify and evaluate the laws and regulations that govern the land acquisition process, as well as examine the implementation and challenges faced in its implementation. In addition, this study also seeks to provide recommendations based on legal analysis, to ensure that the land acquisition process can be carried out effectively, efficiently, and fairly, as well as minimize social and economic impacts on affected communities.

Through this approach, it is hoped that it can make a real contribution to the formation of better policies and support the success of the Nusantara IKN development project.

METHOD

The research method used in this study is a normative juridical approach. This approach focuses on document study and analysis of laws and regulations, policies, and other legal documents relevant to land acquisition for the development of the National Capital City (IKN) of the Nusantara. This study uses two types of data: primary data and secondary data. Primary data is obtained from laws, government regulations, and ministerial decrees regulating land acquisition, especially those related to the development of the Nusantara IKN. Secondary data includes scientific literature, legal journals, articles, and case studies of land acquisition in other countries that can be used as a reference or comparison.

The data collection procedure is carried out through literature study and documentation. The collected data is analyzed by descriptive analytical methods, where researchers elaborate and evaluate the content of laws and regulations and identify legal problems that arise in their implementation. The results of the analysis are expected to provide a clear picture of the effectiveness and efficiency of the land acquisition legal framework in Indonesia, as well as provide recommendations that can be implemented to improve the land acquisition process for IKN Nusantara.

RESULTS AND DISCUSSION

Land acquisition laws in Indonesia are regulated by several laws and regulations that aim to provide land for development of the public interest, while still protecting the rights of land owners. The 1945 Constitution is a strong legal basis in land acquisition in Indonesia, especially Article 33 paragraph (3) which states that "The earth, water and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people." This principle emphasizes that natural resources, including land, must be managed by the state for the welfare of the people.

Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which is often referred to as the Basic Agrarian Law (UUPA), is the main basis of agrarian law in Indonesia. The UUPA regulates the ownership, use, and acquisition of land by emphasizing justice and community welfare. Article 2 of the UUPA and Article 33 of the 1945 Constitution underline the importance of social justice in land management. The UUPA also regulates the transfer of land rights through fair discussion and compensation, which is further implemented in Law No. 20 of 1961. Land acquisition is the last step after other efforts have failed and must be done in the urgent public interest (Prasdhana & Huda, 2024).

Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest is a specific regulation that regulates procedures and mechanisms for land acquisition for public interest projects, such as infrastructure development and public facilities. This law stipulates the stages of land acquisition which include planning, preparation, implementation, and submission of results. Land owners affected by procurement are entitled to decent and fair compensation, either in the form of money, replacement land, resettlement, or other forms agreed. The definition of public interest in this law includes the construction of roads, dams, airports, ports, as well as educational and health facilities.

Government Regulation of the Republic of Indonesia Number 39 of 2023 is an amendment to Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest. This regulation regulates in more detail the implementation of land acquisition based on Law No. 2 of 2012, including procedures for assessing and providing compensation, as well as dispute resolution mechanisms. With this regulation, it is hoped that the land acquisition process can be carried

out more transparently and accountably, ensuring that the rights of land owners are protected and the needs of development for the public interest can be properly met.

Land acquisition by the Nusantara Capital Authority and/or ministries/institutions in the Nusantara Capital City is carried out through the mechanism of releasing forest areas and the land acquisition mechanism in accordance with the provisions of laws and regulations (Article 16 – Law No.3 of 2022 concerning the State Capital in conjunction with Law of the Republic of Indonesia Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the State Capital).

The concept of land acquisition can be described as follows:



Figure 1. The concept of land acquisition in IKN

The mechanism for the release of forest areas is carried out by paying attention to and providing protection for community land tenure, individual rights or communal rights of indigenous peoples. Then in paragraph (4) it is stated that the release of forest areas in the context of preparation, development, and relocation of the State Capital, as well as the implementation of the Special Regional Government of the IKN as referred to in paragraph (1) is carried out no later than 3 (three) months after the application for the Release of Forest Areas submitted by the Head of the IKN Authority is received and declared complete by the Minister of Environment and Forestry. The procedures for the release of forest areas as referred to in paragraphs (1) and (2) shall be carried out in accordance with the provisions of laws and regulations. After being approved by the Minister of Environment and Forestry, the forest area was released and became a Other Use Area (APL).

As for data from the Nusantara Capital Authority, the Forest Area that has been released covering an area of 36,150.03 hectares has been handed over to the Nusantara Capital Authority. This was conveyed by the Head of the Nusantara Capital Authority (OIKN), Bambang Susantono when attending a Hearing Meeting (RDP) with Commission II of the House of Representatives on Monday (3/4/2023). This decision is stipulated in the Decree on the Release of Forest Areas with SK Number. 1354/MENLHK/SETJEN/PLA.2/12/2023 Kompas, 2023.

In Article 2 of Presidential Regulation of the Republic of Indonesia Number 65 of 2022 concerning Land Acquisition and Land Management in the Nusantara Capital City, it is explained that land acquisition in the Nusantara Capital City is carried out through the mechanism of releasing forest areas and/or land acquisition mechanisms.

In Article 4, it is explained about Land Acquisition. Land Acquisition as referred to in Article 2 letter b is carried out regarding the mechanism:

1. Land Acquisition for Development in the Public Interest
2. Direct Land Acquisition

This land acquisition is carried out by paying attention to the community's HAT (land rights) and indigenous peoples' HAT. Then in Article 11 it is explained that land in the capital city of the Nusantara obtained from the Release of Forest Areas and/or Land Acquisition as referred to in Article 2 is determined as:

1. State Property
2. ADP (Assets Under the Control of the IKN Authority, namely land in the IKN area that is not related to the administration of the government).

The overview of its implementation in the IKN Area is as follows:



Figure 2. Land Acquisition Concept

Various kinds of development for the public interest require land that is held in accordance with the specified stages. The development is aimed at fulfilling the wishes of the community in realizing a better life. One of the things that is useful in supporting the success of the development goals for the public interest is land acquisition data. Complete Land Acquisition Data is needed to increase effectiveness and efficiency in the field of Land Acquisition. In this case, Land Acquisition data is very important to be further analyzed so as to produce information in the context of evaluation to determine the direction and policies of Land Acquisition that are appropriate and directed. The important role of Land Acquisition data is expected to support the improvement of Land Acquisition institutions in the future so as to contribute to the acceleration of Land Acquisition needed for Development in the Public Interest.

Land Acquisition is the activity of providing land by providing decent and fair compensation. The Land Acquisition for the public interest is carried out through the stages of planning, preparation, implementation and submission of results which can be described as follows:

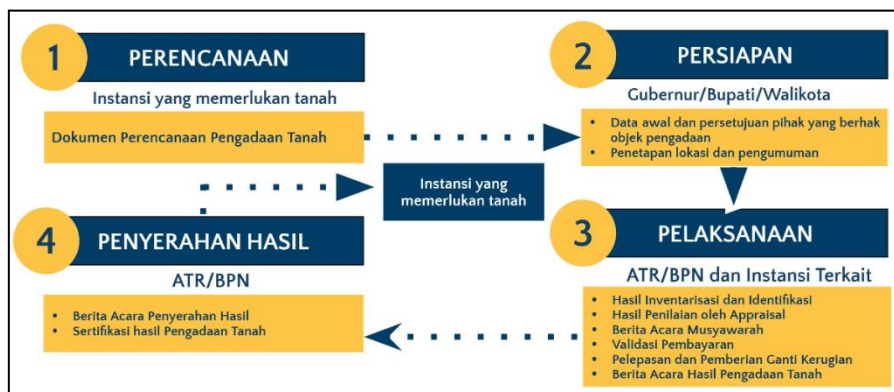


Figure 3. Stages of Land Acquisition

Planning Stages

The planning stages contain Land Acquisition Planning Procedures, including:

1. Preparation
2. Implementation
3. Determination
4. Submission of Land Acquisition Planning Documents (DPPT)
5. Changes in DPPT

Planning is based on spatial plans and development priorities. The validity period of DPPT is 2 years. The content of the Land Acquisition Planning Document (DPPT) consists of Mandatory Cargo and Additional Load. The contents of the Mandatory Contents include:

1. The purpose and objectives of the development plan
2. Suitability of Space Utilization Activities
3. National/regional Development Priorities
4. Location of land
5. The required land area
6. An overview of the status of the land
7. Estimated period of implementation of Land Acquisition
8. Estimated period of development implementation
9. Estimated land value
10. Budgeting plan
11. Preference for the form of Indemnification

Meanwhile, the Additional Load is carried out if the Agency in Need of Land considers it necessary to add the DPPT load related to the preference for the Form of Compensation. The Feasibility Study for the Preparation of Land Acquisition Planning Documents (DPPT) contains elements including:

1. Socio-economic surveys
2. Location eligibility
3. Analysis of development costs and benefits for the region and society
4. Estimated land value
5. Environmental impacts and social impacts that may arise as a result of land acquisition and development
6. Other studies required

The preparation of the DPPT is carried out by forming a DPPT preparation team by involving relevant technical agencies and agencies that carry out government affairs in the land sector to support the provision of data. The DPPT preparation team consists of the main team (appointed officials and professional institutions) and a companion team. The number of team members can be adjusted as needed.

The flow of implementation of the Preparation of Land Acquisition Planning Documents (DPPT) in the IKN is as follows:

1. The Head of the Main Team requests land data and technical data, the Head of the Land Office must submit it within 10 days
2. The results of data processing and analysis are compiled in the systematics of the DPPT manuscript
3. The DPPT manuscript that has been finalized and agreed upon is determined by the officials of the Agency that needs land, in this case the Ministry of PUPR or the Nusantara Capital Authority.
4. The DPPT that has been determined is submitted to the governor/regent/mayor
5. If the Agency that Needs Land is a Business Entity, then it is mandatory to attach an agreement letter

6. If there are changes in physical and juridical data as a result of the implementation of land acquisition (based on the recommendation of the Chairman of P2T), changes can be made to the DPPT and used as the basis for the proposed revision of the Location Determination Proposal.

Preparation Stages

The second stage after the planning stage is the preparation stage for land acquisition. The Governor has formed a DPPT verification team since the receipt of the DPPT. The DPPT Verification Team involves elements of the Regional Government and related technical agencies. Verification is carried out in a maximum of 5 days. The DPPT Verification Team can conduct a review of the location of the land acquisition plan based on an agreement with the Agency in Need of Land. If the DPPT content material is appropriate and complete, it is outlined in a verification sheet and reported to the governor/regent/mayor for follow-up with the formation of a preparation team.

The Preparatory Team is formed no later than 5 days after being received by the DPPT (verified). The Preparatory Team consists of elements of the Regional Government, Head of PTP, Sub-District, Village Head/Village Head and related agencies.

The duties of the Land Acquisition Preparation Team for the public interest include:

1. Carry out notification of development plans
2. Carry out initial data collection of the location of the development plan
3. Carry out public consultation on development plans
4. Prepare the determination of the development location
5. Announcing the determination of development locations for the public interest
6. Carry out other duties related to the preparation of land acquisition assigned by the governor.

Implementation Stages

Agencies that require land submit the implementation of Land Acquisition to the Land Institution. The implementation of Land Acquisition includes:

1. Inventory and identification of land tenure, ownership, use, and utilization, which includes:
 - a. measurement and mapping of plots per plot of land
 - b. data collection of Entitled Parties and Land Acquisition Objects

The results of the announcement or verification and improvement are determined by the Land Institution and subsequently become the basis for determining the Entitled Party in the provision of Compensation.

2. Compensation Assessment

The Land Institution determines and announces an Appraisal in accordance with the provisions of laws and regulations to carry out the assessment of Land Acquisition Objects. The assessment of the value of the Compensation by the Appraiser is carried out on a field-by-plot basis, including:

- a. Soil
 - b. Aboveground and underground spaces
 - c. Buildings
 - d. Plants
 - e. Objects related to the soil
 - f. Other assessable losses.
3. Deliberation on the Determination of Compensation;

The Land Institution conducts deliberations with the Entitled Party within a maximum of 30 (thirty) working days from the time the assessment results from the Appraiser are submitted to the Land Institution to determine the form and/or amount of

Compensation based on the results of the Compensation assessment. The results of the agreement in the deliberations are the basis for the provision of Compensation to the Entitled Party contained in the minutes of the agreement.

4. Indemnification

Compensation for Land Acquisition Objects is given directly to the Entitled Party and can be given in the form of:

- a. Money
- b. Replacement soil
- c. Resettlement
- d. Share ownership
- e. Other forms agreed upon by both parties.

5. Agency Land Release

The release of Land Acquisition Objects for the Public Interest owned by the government is carried out in accordance with the provisions of laws and regulations that regulate the management of state/regional property.

The release of Land Acquisition Objects for the Public Interest controlled by the government or controlled/owned by State-Owned Enterprises/Regional-Owned Enterprises is carried out based on Law Number 2 of 2012.

The release of the Agency Land Acquisition Object is not given Compensation, except:

- a. Land Acquisition Objects that have been erected buildings that are actively used for the implementation of government duties. Compensation is given in the form of land and/or buildings or relocation.
- b. Land Acquisition Objects owned/controlled by State-Owned Enterprises/Regional-Owned Enterprises. Compensation is given in the form of money, replacement land, resettlement, stock ownership or other forms agreed by both parties.
- c. Object of Village Treasury Land Procurement. Compensation is given in the form of land and/or buildings or relocation.

Submission of results.

The Land Institution submits the results of Land Acquisition to the Agency that needs land after:

1. The awarding of indemnity to the entitled party and the waiver of rights has been implemented
2. The award of compensation has been entrusted to the district court.

Based on the report of the Directorate General of Land Acquisition and Land Development, the land acquisition process in the IKN area has not been fully completed because there are still several obstacles to land acquisition in the IKN, including:

1. Land ownership disputes
2. There are many land ownership letters that are not suitable in the field
3. The results of the price assessment from independent institutions are considered too low, so that an agreement on the price of compensation cannot be reached
4. The existence of a community that does not exist in place
5. Communal ownership rights that have not been fully accommodated

Indigenous peoples in the IKN are concentrated in two districts, namely North Penajam Paser Regency (PPU) and Kutai Kartanegara Regency. The North Penajam Paser area used to be an area inhabited by the Paser Tunan Tribe and the Paser Balik Tribe. The two tribes are the parent of the Paser Tribe who currently live in Paser Regency. Initially, life in North Penajam Paser consisted of tribal groups that lived scattered. They then established small kingdoms which were later called the Customary Kingdom. At that time, the livelihood of the people for generations was as fishermen and farmers. Meanwhile, the customary

kingdom they built was around rivers and bays in the Penajam area. Penajam Paser is an area of the Kutai sultanate which was divided into several districts.

Agrarian conflicts with the overlap of concession forests with customary lands themselves have actually been an old problem in Indonesia. This will be even more problematic because it will have the potential to occur in the IKN area, which is the heart of Indonesia. The absence of recognition of rights to customary territories will give birth to inequality in the control of resources, inequality in the means of production. The root of the problem is the absence of protection of customary land and guarantee of the rights of indigenous peoples in communal land. The source of conflict is generally related to community rights to land. These rights need to be fulfilled so that the development process gets support in the future.

The transfer of the IKN means that there will be development in the Nusantara IKN area. The implementation of the development of the IKN area will certainly cause various fundamental changes in the area. First, there is a change in the land use order in the area concerned so that it has a direct impact on the economic problems of the residents, including the problem of food security and sovereignty of the surrounding residents. The majority of local residents work in plantations and agriculture. Second, the existence of the Nusantara IKN project directly affects the local demographic order. This is marked by the arrival of tens of thousands of civil servants to the Nusantara IKN area. Changes in the environmental, economic, and demographic order will also affect the aspects of social and cultural order in local communities. In Development, the most important thing needed is the land or location of IKN Development land.

Land, as a natural asset, has essential functions for human life, such as a means of residence and a source of livelihood. However, current anthropogenic pressures have given rise to various challenges to land access and utilization (Ruhimat, 2015). Land governance that does not prioritize the principle of justice can lead to unstable social conditions. Reflecting on experiences abroad (especially the Global South) (Mwesigye & Matsumoto, 2016), ethnic-based tensions and armed conflicts often stem from agrarian problems (Krieger & Meierrieks, 2016). In more extreme situations, small-scale conflicts can transform into threats to national security stability (Tarfi & Amri, 2021).

In many countries that rely on agriculture as a source of livelihood, land is often included in negotiations for ceasefires, demobilization, and reintegration (Unruh & Williams, 2013). This is where the opportunity arises to identify the root of conflicts related to natural resource management and reorganize appropriate agrarian policies in order to achieve social justice and economic development. The initial peace situation is relatively fragile, so careful consideration is needed immediately to rebuild the ideal land policy. In line with this statement, (Pritchard, 2016) mentioned that agrarian reform is one of the main elements of peacebuilding.

The emergence of land cases normatively due to welfare problems, which generally appears and develops in locations where the condition of the community is not economically prosperous (Maharani, 2018). The limited public access to land resources as the only source of the economy often causes many disputes. The emergence of a struggle for ownership/control of land in locations with less or less prosperous communities on legal land (with proof of ownership) or illegal (occupation/grabbing) (Alisjahbana, 2013). Physically, the limited amount of land that is not developed and static, while the increasing population is a factor that supports the occurrence of conflicts in land use, control and ownership that lead to land disputes and land conflicts (Isnaeni, 2017).

On the one hand, the Government provides facilitation, land provision, infrastructure facilities for the implementation of investment activities in the IKN to receive facilities in the form of :

1. Provision of land or location for business actors

2. Provision of facilities and infrastructure/infrastructure
3. Providing comfort and security in investing
4. Easy access to ready-made and skilled workforce.

The government urgently needs the role of investors in helping the development of IKN as the new capital of Indonesia, so the government provides policy stimulus in the field of land acquisition/procurement and related to finance. But on the other hand, the development of IKN through land acquisition activities still raises problems. Even the Minister of Agrarian and Spatial Planning/Head of the National Land Agency (ATR/BPN) Agus Harimurti Yudhoyono said that the 2,086 hectares of land in the National Capital City (IKN) of the Nusantara is still problematic Kompas, 2024.

Returning to the theory of social justice according to John Rawls, has the implementation of such land acquisition created a reasonable maximum profit for everyone, including the weak parties. Is it enough to provide compensation to the weak party, considering that in the future the land will be used for the benefit of other parties. Shouldn't land acquisition ensure the continuity of welfare for residents affected by the land acquisition?

This is indeed a pros and cons. The government's agenda must be carried out despite criticism or demands. Therefore, to provide a sense of justice to the community, the government must really provide a guarantee of providing appropriate compensation to the community.

In addition, the government must also make policies that oblige business actors to strive to use local human resources as their workforce, providing broad opportunities for the community in economic support activities. Thus, the development of this IKN can advance the country's economy as a whole.

In responding to various obstacles in land acquisition in the IKN, the following are recommendations for their solution.

Agrarian Reform

One of the ways that the government seeks to end land conflicts is with the Agrarian Reform Concept. In Presidential Regulation (Perpres) Number 86 of 2018 concerning Agrarian Reform, it is stated that agrarian reform is a restructuring of ownership, control, utilization and use of land that is more equitable.

The implementation of agrarian reform in Indonesia has historically experienced ups and downs. Each political regime designs and practices it in different ways (Wulan, 2019). A special characteristic of agrarian reform in the reform era (until now) is the existence of land reform plus, where this policy scheme combines asset reform with access reform. Asset reform aims to reorganize the structure of land ownership, ownership, use, and utilization to be more equitable (land redistribution); Meanwhile, access reform aims to empower the community through the provision of capital assistance and others based on land use. The target of agrarian reform is divided proportionally to the legalization of assets and redistribution of land. The last mentioned activity is seen as more strategic than the other because it is in direct contact with the ideals of agrarian reform.

The implementation of policies in bureaucratic channels is, of course, handled by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. With the existence of land conflicts in the IKN, a settlement involving authorized institutions such as the Ministry of ATR/BPN, judicial institutions, and also the community is needed for a fair settlement. The essence is that legal interpretation must be carried out continuously, so that a fair decision can be taken. A decision cannot be considered fair even if it is valid. This means that a decision is an event that is guaranteed by a valid and programmatic rule (Susanto et al., 2018).

The determination of forest areas, including in the IKN area, is often a problem for the community, not only in the IKN area but also in the settlements of the IKN buffer community. Often, the determination of forest areas is only delineated on maps or photo images so that detailed conditions in the field are not considered. This is a source of problems because forest areas can be released if they have been controlled by the community for a long time. To overcome the overlap, the government implements the One Map Policy by using the same georeference and coordinate system, it is hoped that all overlapping problems can be resolved, especially between non-forest areas and forest areas, including in the IKN. The development of the Nusantara Capital City provides an opportunity for the government to fully regulate asset restructuring and land redistribution as a manifestation of agrarian reform in the new national capital.

Land Bank

With the condition of being a special agency with the authority to manage land, the Land Bank Agency has the ability to utilize land in accommodating the public interest, social, national development, economic equity, land consolidation and agrarian reform. So that it can have a role for economic development and have a strong focus on the community. This is related to the land obtained by the Land Bank Agency whether it is suitable for use for the community or economic development, including in the IKN Development.

The Land Bank Agency is a special body or *sui generis* which is an Indonesian Legal Entity formed by the Central Government which is given special authority to manage State land. As a special agency formed by the government, Bank Tanah has a vision to become a trusted body in the field of sustainable land management based on the principles of good governance in order to increase economic growth and a fair economy. As for achieving this vision, it is carried out through missions, namely carrying out various efforts related to the Agency's operations for the public interest, social interests, development interests, economic equity, land consolidation and Agrarian Reform; ensuring the availability of land for national development; improving community welfare through job creation. As a special body, the Land Bank has an important role in managing land, carrying out land acquisition, procurement, management, utilization, and distribution planning as shown in the following figure:

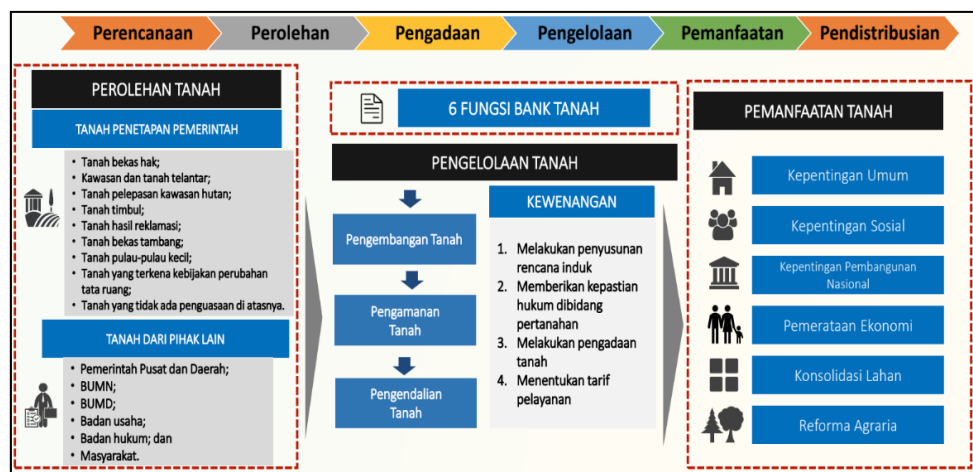


Figure 3. The Role of Land Banks

The establishment of the Land Bank Agency not only aims to meet administrative needs, but also to ensure the availability of land in the context of public interest, social, national development, economic equity, land consolidation, and agrarian reform. With regulations related to the Land Bank, it is hoped that it can be an effective link between the

needs of the state and the fulfillment of land for national strategic projects, such as the construction of toll roads, reservoirs, dams, or other infrastructure related to the public interest.

Revision of Laws and Regulations

Since the first IKN Law was promulgated, namely Law Number 3 of 2022 concerning the National Capital, various new issues and challenges faced by the IKN Authority have been found in the implementation of 4P activities (Preparation, Development, and Relocation of the State Capital, as well as the Implementation of the IKN Special Regional Government).

According to the Head of Bappenas, Suharso Monoarfa, he mentioned at least 5 issues, including (Sulistiyo, 2023):

1. Differences in interpretation in understanding the special authority possessed by the IKN Authority regarding its duties and functions;
2. The position of the IKN Authority as a budget user and user of goods, as well as aspects of financing that can be carried out by the IKN Authority independently as a Regional Government;
3. Specific arrangements regarding the recognition of rights to land owned and/or controlled by the community, as well as land rearrangement to ensure the management of the area by the IKN Authority and local governments around the IKN Area;
4. Special arrangements for housing investor developers, as well as the term of land rights so that investment in IKN becomes more competitive;
5. Certainty of sustainability and sustainability of development activities in the IKN, as well as the need for the involvement of the House of Representatives in terms of supervision as a representation of the community.

In connection with the above, last year the government proposed amendments to the IKN Law which was later passed into Law (UU) Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the State Capital. The amendment to the IKN Law aims to, among others, to:

1. Strengthening the institutional position of the IKN Authority as the organizer of the 4P, through the improvement of provisions regarding the special authority of the IKN Authority in the implementation of government affairs and its position as a budget/goods manager;
2. Providing clarity on the status of land owned/controlled by local communities, including land arrangements that are *lex specialis* in the IKN in supporting investment;
3. Providing legal certainty for the sustainability of 4P activities, as well as arrangements in the context of accelerating development in the IKN.

This amendment to the IKN Law has been in effect since October 31, 2023, this directly also has implications for its Implementing Regulations, including Presidential Regulation 65 of 2022 concerning Land Acquisition and Land Management in the Capital City of the Nusantara. However, until now, the amendment to the Presidential Regulation has not been promulgated, hindering the acceleration of land acquisition in the Nusantara's capital

CONCLUSION

Based on the results of the discussion, it can be concluded that land acquisition for the development of the National Capital City (IKN) of the Nusantara faces various legal and implementation challenges in the field. Although it has been regulated in Presidential Regulation Number 65 of 2022 and supported by other laws and regulations such as Law Number 2 of 2012 and Law Number 6 of 2023, there are still significant obstacles, including land ownership disputes, inconsistencies in land ownership certificates, assessment of compensation prices that are considered low, and communal ownership rights that have not been fully accommodated. Agrarian conflicts between state law and customary law also add

to the complexity of this problem. Therefore, it is necessary to improve regulations and implement fairer and more transparent implementation to ensure the success of the Nusantara IKN development project and the protection of the rights of affected communities.

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