



## Analysis of the Application of Agrarian and Spatial Planning Laws in Land Disputes for the Development of Public Facilities

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### ABSTRACT

The Agrarian and Spatial Planning Law (UUATR) is used to settle land disputes so that public facilities can be built. It is a legal process that tries to find a balance between land owners' rights and the needs of the community and the government's desire to build infrastructure that helps the economy grow. UUATR is an important legal framework for regulating land rights, ownership, and procedures that must be followed in resolving land disputes. In land disputes for the construction of public facilities, the application of the agrarian law plays an important role in maintaining a balance between public interests in infrastructure development and the rights of land owners. The application of the agrarian law in land disputes for the construction of public facilities ensures that important infrastructure development can proceed in line with the public interest while safeguarding the rights and welfare of land owners. This creates a fair and sustainable framework for resolving land disputes in Indonesia.

### 1. Introduction

Land disputes for the construction of public facilities are often a complex and sensitive challenge in developing the infrastructure needed for community welfare. In many countries, including Indonesia, the land is often a valuable asset owned by individuals, families, or communities. When the government or public agency needs the land for the construction of public facilities such as roads, bridges, airports, or other important infrastructure projects, this can give rise to ownership disputes and social impacts that need to be resolved.<sup>1-3</sup>

The application of the Agrarian and Spatial Planning Law (UUATR) in handling land disputes for the construction of public facilities is a legal process that aims to achieve a balance between public interests in infrastructure development that supports economic growth community needs and the rights of

land owners. UUATR is an important legal framework in regulating land rights, ownership, and procedures that must be followed in resolving land disputes. A comprehensive study of the application of the Agrarian Law in land disputes for the construction of public facilities will discuss the processes, challenges, and solutions involved in achieving sustainable infrastructure development goals while ensuring justice for land owners and local communities. This study explains important aspects of the UUATR application, including identification of required land, assessment of land value, compensation to land owners, and the role of the Agrarian Court in resolving land disputes.<sup>4-6</sup>

#### Identify required land

Identification of land needed for the construction of public facilities is a very important first step in

managing land disputes. This process requires careful planning and comprehensive review. Land identification is a key first step in developing a public facilities project. This helps ensure that the land will be used according to project requirements efficiently and minimize impacts on land owners and local communities. The land identification process usually involves a field survey carried out by a team of experts. This team will directly inspect the land being considered for development. This survey includes measuring, mapping, and understanding land characteristics. The government or public body needs to carry out an accurate needs assessment. This involves infrastructure planning, impact analysis, and consultation with relevant stakeholders. The goal is to ensure that the land selected meets the project requirements. During land identification, the government or public agency must comply with applicable laws and regulations, including UUATR (Agrarian and Spatial Planning Law). This includes fulfilling licensing requirements and spatial planning regulations. The land identification process must be carried out transparently and involve land owners and local communities. This provides affected parties with the opportunity to participate in policy formation and provide input. Land identification is not the final step but is the initial stage in the land acquisition process. Relevant parties should have room to negotiate compensation, land transfers and other appropriate terms. Data resulting from the land identification process must be managed and stored properly for documentation and monitoring purposes. This also ensures that the data is available for future planning. Land identification can give rise to potential conflicts with land owners. Therefore, vigilance and good communication are very important in handling disputes that may arise. The land identification process must also consider the environmental impacts that may arise due to the construction of public facilities. This includes understanding ecosystems, natural resources, and other environmental factors. Land identification, carried out carefully, transparently and involving stakeholders, is an important step to ensure that the development of public facilities can run efficiently and fairly. This also

helps in avoiding conflicts and disputes that may arise in the future.<sup>7-10</sup>

### **Preparation of spatial planning**

Preparing a spatial plan that takes into account the development of public facilities is a very important stage in the sustainable infrastructure planning process. A good spatial plan will consider various aspects including environmental, social and economic impacts. The spatial plan must reflect the long-term goals of developing public facilities. This includes planning infrastructure needs within a certain time period. Spatial plans must comply with applicable laws and regulations, including spatial planning and environmental protection regulations. This involves understanding zoning and land use. The spatial plan must include a comprehensive environmental impact analysis. This includes assessing impacts on ecosystems, natural resources, air and water quality, and protected areas. Spatial planning should involve consultation with land owners, local communities and other stakeholders. This allows valuable input to be gathered and community interests taken into account. Plans must consider the social and economic impacts of the construction of public facilities. This includes an assessment of population displacement, potential economic changes, and possible social benefits. Apart from planning the construction of public facilities, spatial plans must also consider possible alternatives, and receive input from experts who understand various aspects of development. In the plan, it is necessary to outline an impact management plan to reduce negative impacts that may arise. This includes mitigation and compensation measures. Plans must support sustainable development. This includes the use of environmentally friendly technologies, maintenance of natural ecosystems, and involvement in sustainability efforts. The plan should include monitoring and evaluation mechanisms to ensure that the construction of public facilities complies with the spatial plan and to identify changes that may be required. Spatial plans must reflect a commitment to social justice and landowner rights. This includes fair compensation and protection of landowner rights. The preparation of a comprehensive and sustainable

spatial plan is the key to the successful development of public facilities. This enables the integration of environmental, social, and economic aspects in decision-making, ultimately supporting sustainable growth and equal distribution of benefits for society.<sup>10-</sup>

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### **Communication and consultation**

Communication with land owners who may be affected and local communities is an important aspect in managing land disputes for the construction of public facilities. The government must hold an initial meeting with affected landowners to explain the objectives and plans for building public facilities. This is an opportunity to identify initial concerns and provide an understanding of the process to be followed. Open consultation is an important principle in communication with landowners and communities. The government must open adequate communication channels to receive input and problems raised by affected parties. The government must provide education and information to landowners and communities about development plans, possible impacts, and their rights and responsibilities. Clear and accurate information helps build a strong understanding. In communication, it is important to respect local culture and customs. This involves respecting the traditions and values of local communities. Providing landowners and communities the opportunity to participate in decision-making regarding the development of public facilities is an important step. This includes listening to their input and considering it in planning. The government must maintain transparency in all communications. This includes openly explaining the land transfer process, compensation, and other related requirements. The government must demonstrate a commitment to social justice in communications with landowners. This includes providing fair compensation and ensuring that landowners' rights are respected. If there is a dispute or disagreement, effective communication can also include efforts to resolve it peacefully through mediation or negotiation. Once communication begins, it is important to monitor and evaluate the process to ensure that all parties feel heard and

understood. The government must ensure that this communication and consultation comply with applicable regulations and follow the principles of good governance. Effective communication and consultation with land owners and local communities is key to building strong understanding, avoiding conflict, and achieving consensus in the public facilities development process. This also supports the goals of social justice and equal distribution of benefits to society.<sup>14-16</sup>

### **Land value assessment**

Assessment of land value to be compensated to land owners is a key aspect in handling land disputes for the construction of public facilities. The assessment process must be transparent, fair, and carried out by independent assessors. Selecting an independent and appropriately qualified assessor is an important first step. The appraiser must have knowledge of the land market, appraisal methods, and professional ethics. The appraiser will carry out careful measurements and mapping of the land. This includes determining the size and boundaries of the land to be compensated. The appraiser will conduct a market analysis to determine the market value of the land. This involves a comparison of the prices of similar land that has been sold in the area. The appraiser must also consider the special conditions of the land that may affect its value, such as topography, access, and area development. If there are improvements or buildings on the land, this additional value will also be taken into account. This includes existing structures, infrastructure, or facilities. The results of this assessment will be used to determine the compensation that will be given to the land owner. Compensation must reflect fair market value and must not harm the land owner. The assessment process and results must be transparent and can be checked by land owners and related parties. This helps build trust in the process. Land owners must be given the opportunity to provide input or evidence that may affect the value of the land. This includes ownership documents and other relevant information. Assessment results must be monitored and checked to ensure that the assessment process is carried out

correctly and in accordance with professional standards. The assessment process must comply with the principles of justice and law and respect the rights of land owners. The compensation offered must be in accordance with applicable legal provisions. Proper assessment and fair compensation are key steps in avoiding land disputes that may arise as a result of the construction of public facilities. This is also an important aspect in achieving a balance between public interests in infrastructure development and the rights of land owners.<sup>17,18</sup>

### **Preparation of agreement**

Voluntary agreements between the government and land owners are the desired approach in resolving land disputes for the construction of public facilities. Voluntary agreements give both parties the freedom to reach a favorable and acceptable agreement. Open communication between the government and landowners is key to reaching voluntary agreements. Both parties must listen to each other and discuss their respective interests and concerns. The government must offer compensation that land owners deem fair. Accurate and transparent assessment of land value is an important step in determining fair compensation. Land owners must understand the impacts of building public facilities, including environmental and social changes that may occur. Clear and objective information must be provided to them. Governments and landowners should discuss possible alternatives, if any, that could avoid or reduce impacts on land. This may include selecting an alternative site or adjusting the project design. Voluntary agreements do not always have to be reached all at once. Sometimes, a phased agreement can be a better solution, where the government and landowner reach agreement on the stages of development or terms of land transfer. The government and land owners can hold talks and negotiations to reach an agreement. Mediation or an independent mediator may also be used if a disagreement occurs. Landowners' rights must be respected, and they must have access to lawyers or legal experts to provide legal advice and protection. All requirements related to land transfer, compensation

and responsibilities of both parties must be documented transparently. This includes a written agreement outlining the rights and obligations of each party. Agreements should include monitoring and dispute-resolution mechanisms in case disagreements or problems arise in the future. Voluntary agreements resulting from transparent and fair processes are the most desirable solution in managing land disputes for the construction of public facilities. This creates a cooperative relationship between government and land owners that can support sustainable infrastructure development and benefit society as a whole.<sup>19</sup>

### **Agrarian Court**

When a voluntary agreement between the government and land owners cannot be reached, the Agrarian Court is the legal institution that can be accessed to resolve land disputes. The Agrarian Court is a Court that specifically handles agrarian cases, including land disputes involving the government and land owners. Submission of a lawsuit to the Agrarian Court is based on relevant legal grounds, such as Law no. 5 of 1960 concerning Agrarian Principles and its implementing regulations. The Agrarian Court has special jurisdiction in handling agrarian cases. The government or land owners who feel they are affected by a land dispute can file a lawsuit with the Agrarian Court. The lawsuit must contain arguments and evidence that supports each party's position. The Agrarian Court will examine the case carefully. This includes an investigation of the evidence presented by the parties to the dispute. Before deciding a case, the Agrarian Court may attempt mediation or negotiation between the disputing parties to reach a voluntary agreement. However, if no agreement is reached, the Court will render a judgment. After examining the case, the Agrarian Court will provide a decision outlining the rights and obligations of each party. This decision is final and binding. The losing party in the dispute must comply with the Agrarian Court's decision. This includes fulfilling compensation to land owners or other actions ordered by the Court. Both the government and land owners have the right to appeal if they are dissatisfied with the Agrarian Court's decision. The appeal will be decided by a higher

judicial authority. It is important for all parties to comply with the Agrarian Court's decision and carry out the commitments explained in the decision. The Agrarian Court is a tool that can be used to resolve land disputes fairly and based on the law. This process provides legal certainty and protection of landowners' rights while also allowing the government to continue construction of necessary public facilities.<sup>20</sup>

## 2. Conclusion

In land disputes for the construction of public facilities, the application of the Agrarian Law has an important role in maintaining a balance between public interests in infrastructure development and the rights of land owners. The application of the Agrarian Law in land disputes for the construction of public facilities ensures that important infrastructure development can proceed in line with the public interest while safeguarding the rights and welfare of land owners. This creates a fair and sustainable framework for resolving land disputes in Indonesia.

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