

The Implementation of Compensation for the Rest of the Land in Land Procurement for the Construction of Public Facilities

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Abstract. *This study aims to find out and analyze the implementation of compensation for the remaining land parcels in land acquisition for the construction of public facilities in Bogor Regency, as well as to find out and analyze the obstacles and solutions in the implementation of compensation for the remaining land parcels in land acquisition for the construction of public facilities in the Regency. Bogor. This research method uses a sociological juridical approach, namely legal research that uses secondary data as initial data, which is then followed by primary data in the field or on the community. Based on the results of the study concluded: 1) The implementation of compensation for the remaining land parcels in land acquisition for the construction of public facilities in Bogor Regency, namely the implementation of the construction of the Bogor Outer Ring Road (BORR) as a whole has not been carried out optimally because there is still land that has not been paid for with various kinds of problems. . Until the end of this research, there are still 36 (thirty six) of the 171 (one hundred and seventy one) remaining land parcels that have not received compensation, namely the remaining land parcels located in Cibadak Village and Kayu Manis Village; 2) Implementation of compensation for the remaining land there are several obstacles that hinder the implementation, namely obstacles from the community which include objections to the amount of compensation, objections to the provisions on the area of the remaining land parcels to be compensated, and the application for compensation for the remaining land which is not done collectively. Meanwhile, the obstacle from the government is that there is a legal*

vacuum regarding the compensation mechanism for the remaining land which has an area of more than 100 m².

Keywords: Compensation; Land; Remainder.

1. Introduction

The remaining plots of land are land owned by the land owner who is subject to Land Procurement for Development in the Public Interest, where the land is not subject to the Right of Way (ROW) trace or the technical term is Road-Owned Area (DMJ).¹ So that it has the potential to no longer be used according to its designation and/or initial use and/or can no longer be used as productive land that produces. With respect to the remaining plots of land, the land owner may request a replacement or payment to the government that carries out the Land Procurement activities so that all of them can be acquired at once.² The provisions of Article 35 of Act No. 2 of 2012 Land Procurement for Development in the Public Interest, states that:

"In the event that certain land parcels affected by the Land Procurement have residues that can no longer be functioned according to their designation and use, the Entitled Party may request a complete replacement of the land parcels".

Article 67 of Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest, confirms that "in the event that there is a certain residual land affected by the Land Procurement, there is residue that can no longer be functioned according to its designation and use, the entitled party may request a replacement in its entirety on the plot of land". Where the remaining land that can no longer be used is a plot of land that can no longer be used in accordance with its original designation and use.³

The regulation of the remaining land parcels is further regulated in technical regulations, namely the Regulation of the Head of the National Land Agency of

¹Andriawan Kusuma, "Ganti Rugi Tanah Sisa Pada Pembangunan Jalan Tol Bakauheniterbanggi Besar: Akibat Hukum Dan Konflik Pertanahan", <http://jurnal.fh.unila.ac.id/index.php/cepalo>. (Accessed on 03 May 2022).

²Y. Eko Haryanto, "Penyelesaian Sengketa Penetapan Ganti Rugi Tanah Untuk Pembangunan Jalur Kereta Cepat Jakarta Bandung Di Kabupaten Karawang", <https://journal.unpak.ac.id/index.php/palar>. (Accessed on 03 May 2022).

³Andriawan Kusuma, Op. Cit.

the Republic of Indonesia (BPN-RI) Number 5 of 2012 concerning Technical Guidelines for the Implementation of Land Procurement, in Article 11 and Article 13 paragraph (1) stipulates that in the event that there are from certain registered or unregistered land parcels that are subject to land acquisition and can no longer be functioned according to their designation and use, the land parcels are measured and mapped in their entirety and compensated at the request of the entitled party.

Some of the laws and regulations mentioned above, do not clearly and clearly explain the criteria for residual land such as what can no longer be functioned according to its designation and use, because almost all of the remaining land from land acquisition for development for the public interest can no longer be functioned in accordance with designation and use as before. This causes many obstacles in the field that are encountered in the technical implementation of the acquisition of the remaining land parcels.

The implementation of compensation for the remaining plots of land in land acquisition for the construction of public facilities, especially regarding compensation for the remaining land parcels in the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection) to date, there are still several obstacles. Therefore, a study on the implementation of compensation for the remaining land parcels in land acquisition for the construction of public facilities in Bogor Regency becomesThis is very important to do, because it has the potential to harm the community as the owner of the remaining land.

2. Research Methods

The approach used in this research is a sociological juridical approach. While the research specifications in writing this thesis are in the form of descriptive analytical research, which describes the problems that become the object of research based on the data obtained at the time this research was carried out. The data collection method used in this research is to find the necessary data from the actual research object through interview and documentation steps. Meanwhile, the data analysis method used is data obtained from field studies and document studies, which are basically level data that are analyzed descriptively and qualitatively.

3. Results and Discussion

3.1. Juridical Analysis of Compensation for Remaining Land Sector in Land Procurement for Construction of Public Facilities in Bogor Regency

Land acquisition for the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Section Simpang Yasmin - Kayu Manis) along the 3 km is an elevated toll road that connects Sentul - Salabenda, which is part of the construction of the previous section through South Sentul, Kedung Halang, Kedung Badak, Yasmin and Semplak intersections.

According to the Director of Engineering and Operations of PT Marga Sarana Jabar (PT. MSJ), Alfiandra⁴said that the construction of section III of the BORR toll road had begun on December 21, 2018 and was originally planned to be completed by the end of 2021. However, until now there are still problems, such as land at the on/off-ramp construction site in Cibadak Village and Kayu Manis Village, Bogor City, which has not yet completed land acquisition and the remaining land. Likewise according to Dede Supriatna,⁵one of the land acquisition committees at the Bogor Regency Land Office explained that the construction of the Bogor Outer Ring Road (BORR) Toll Road still has remaining land with various problems. The following is the implementation of compensation for the remaining parcels of land in the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection), namely:

- Residual Land Identification

Secondary data in the Bogor Regency Land Office is used as a reference in identifying this residual land. The secondary data used as a reference is an inventory list made by Task Force A in the form of a field map and a nominative list from Task Force B which identifies the name of the land owner, land rights for all land parcels included in land acquisition activities, location of land parcels, area of land parcels, boundaries -Boundary plots of land, and maps of land parcels.

The identification results show that based on secondary data (field maps and nominative list), there are indications of residual land due to land acquisition for the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection), namely the remaining land contained in Kayu Manis Village and Cibadak Village. Based on the information provided Dede Supriatna, a land acquisition committee at the Bogor Regency Land Office, said that there were

⁴Results of Interview with Mr. Alfiandra, Director of Engineering and Operations of PT Marga Sarana Jabar (PT. MSJ), March 16, 2022, 09.40 WIB.

⁵Results of the First Interview with Mr. Dede Supriatna, One of the Land Procurement Committees at the Bogor Regency Land Office, on March 21, 2022, 14:17 WIB.

only a few remaining land parcels that had been compensated during the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin Intersection - Kayu Manis) Toll Road. . At the beginning of 2020, there was another request letter from an affected resident in the Kayu Manis Village which was submitted to the land acquisition committee, basically the residents asked the land acquisition committee for the committee to carry out a re-measurement on their land because there was a discrepancy in the measurement results that caused the amount of compensation changes as well. In his letter.⁶

- Residual Land Criteria

Act No. 2 of 2012 concerning Land Procurement for Development in the Public Interest, does not explain in detail the criteria for what kind of residual land can be compensated or not.⁷ The Land Procurement Law only states that the remaining land can be compensated as long as the land cannot be used according to its original designation and use.

The provisions of Act No. 2 of 2012 are considered still unable to answer every problem that exists in the field, in particular on land acquisition activities for the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection). There are various problems that occur in the field that require solutions based on the provisions of the legislation. One of the problems that occur is as a field of rice fields owned by residents of Kayu Manis Village. This land has an area of 1000 m² and is subject to land acquisition of 700 m², the remaining land that is not included in land acquisition activities is an area of 300 m². Can the remaining land no longer be used as rice fields according to its initial condition? If you only look at the area of the remaining land, it is certain that the rest of the land can still be used for rice fields. But if it is seen from the condition of the level of soil fertility that has changed, the condition of irrigation, as well as access to infrastructure for transportation of production products, then the problem will be different because in such conditions it is a very big problem that will be felt by residents who own the remaining land. Thus, in this problem, it is necessary to have a solution with the aim that the construction of the toll road for the public interest will actually provide losses that will be suffered by the community as the owner of the remaining land. Such matters have not been regulated in the Land Procurement Law and other implementing regulations

⁶Results of the Second Interview with Mr. Dede Supriatna, One of the Land Procurement Committees at the Bogor Regency Land Office, on March 30, 2022, 08.26 WIB.

⁷Fredi Elroi Sudiarka, Haryo Budhiawan, Priyo Katon Prasetyo, (*Jurnal Tunas Agraria* Vol. 2 No. 3 September 2019).p. 94.

regarding land acquisition. This causes the land acquisition committee in the field to still find it very difficult to determine what criteria to determine whether the remaining land can be compensated or not or can be given road access or not. Therefore, it is necessary to carry out deliberation between the Land Procurement Executor (hereinafter abbreviated as PPT) and the entitled party by involving the agencies that require the land. The agenda of the deliberation is to determine the form and amount of compensation. It is necessary to conduct deliberation between the Land Procurement Executor (hereinafter abbreviated as PPT) and the entitled party by involving the agency that requires the land. The agenda of the deliberation is to determine the form and amount of compensation.⁸

- Residual Land Compensation Process

The land affected by the land acquisition for the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin Intersection - Kayu Manis) which is indicated to have residual land is located in Kayu Manis Village and Cibadak Village, Tanah Sareal District, Bogor Regency. In the residual land object in this study which is located in Kayu Manis Village and Cibadak Village, there are still several remaining land parcels whose compensation has not been fully completed until the end of this research.

The most criteria for residual land that cannot be reused is the type of agricultural land use, because there is no access to the remaining land with a total of 17 plots of 30 plots of land. The following is an explanation from one of the residents who own the remaining land, namely:⁹

“A small portion of the remaining land in the type of agricultural land use can still be planted but it is difficult to harvest the results. Of the remaining 30 plots of land, only 5 (five) plots of land cannot be planted, namely the plots of land in the name of Mr. Warsito, on behalf of Mr. Pujiyanto, and Mr. Ngadimin, where the land which was originally rice fields is now submerged in water as deep as ± 1, 5 meters. While the land in the name of Mr. Parman and on behalf of Mr. Mustari, originally was a rice field but now it is located right in front of the out let box culvert measuring 3x4 m² where when it rains heavily it is certain that the plants planted on the remaining land will be washed away by the flow of water. The remaining 25 plots of land that can still be planted are vegetables,

⁸Urip Santoso, “Penyelesaian Sengketa Dalam Pengadaan Tanah Untuk Kepentingan Umum”, http://jurnal-perspektif.org/index.php/perspektif/article/view/588/pdf_75. (Accessed on 03 May 2022).

⁹Results of an interview with Mr. Mustari, one of the residents who owns the remaining land, on April 6, 2022, at 10.12 WIB.

Regarding the impact due to the construction of the toll road, the following is the statement given by Mr. Pujianto:¹⁰

“Before the toll road existed, my land still had road access but at the time the toll road was built by the government and not all of my land was included in the trace so there was residual land. Currently, the remaining land has no road access. The remaining land that is closed to access is quite extensive, and it's not only mine that is affected, many other residents are also affected by the same condition as my land, which is blocked by road access.”

In accordance with Article 35 of Act No. 2 of 2012 concerning Land Procurement for Development in the Public Interest, in the event that certain land parcels affected by land acquisition have residues that can no longer be functioned according to their designation and use, the entitled party may request a full replacement on the plot of land. Compensation is often a very complicated issue because there is no common ground between the two parties, and compensation has often been questioned because it contains a negative connotation, namely a replacement that causes people to feel disadvantaged.¹¹

The process of compensation for the remaining land carried out by the Bogor Regency land acquisition committee is that sAfter compensation for the main trace area has been carried out, the owner of the remaining land raises an objection regarding the remaining land. P2T will follow up by verifying the remaining land if it is suitable for compensation, P2T will re-assign Task Force A to measure and map the remaining land. The results of the physical data (nominative list) of the remaining land are then given to the Appraisal Team, the appraisal team will conduct an assessment of the remaining land. Compensation for the remaining land can be carried out based on the assessment.¹²

Starting from the beginning of the implementation of land acquisition for the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Section Simpang Yasmin - Kayu Manis) until 2021, the implementation of compensation payments given to communities whose land has remaining land is 135 (one hundred and three twenty five) parcels of land out of a total of 171 (one hundred and seventy

¹⁰Results of an interview with Mr Pujianto, one of the residents who own the remaining land, on April 7, 2022, at 09.25 WIB.

¹¹Yolanda Limarta & Hanafi Tanawijaya, “Pemberian Ganti Rugi Atas Tanah Sisa Akibat Pengadaan Tanah Untuk Kepentingan Jalan Tol Kunciran Serpong (Studi Kasus Putusan Mahkamah Agung Nomor 3049K/Pdt/2018)”, <https://journal.untar.ac.id/index.php/adigama/article/view/10590/6765>, (Accessed on 04 May 2022).

¹²Yanto Sufriadi, “Penyebab Sengketa Pengadaan Tanah untukKepentingan Umum (Studi Kasus Sengketa Pengadaan Tanah untukKepentingan Umum di Bengkulu)”, Jurnal Hukum No. 1 Vol. 18 January 2011, <https://journal.uui.ac.id/IUSTUM/article/view/4003/3565>. (Accessed on 04 May 2022).

one) parcels of land. Thus, the remaining land for which compensation has not been paid is 36 (thirty six) parcels of land. The payment of compensation for the remaining land that has been paid is mostly carried out during the implementation of land acquisition which is included in the toll road ROW.

Not all of the remaining land in the land acquisition is directly compensated for the community whose land there is residual land. The remaining land that is directly compensated is only the remaining land which has an area of less than 100 m² or can no longer be reused in accordance with its designation and use as before. The land acquisition committee is actually still experiencing difficulties in determining the criteria for the remaining land that must be compensated. Although there has been a Circular from the Director General of Land Procurement regarding the directions and instructions for the implementation of the remaining land settlement, to be able to determine the criteria for the remaining land, the land acquisition committee admits that it is still very difficult. According to Dede Supriatna, the remaining land which is not compensated is the remaining land which has an area of more than 100 m². Apart from having an area of over 100 m², the remaining land is considered to be still productive for use, and still has economic value or selling value in the future.¹³

The land acquisition committee can provide compensation to the community who owns residual land with an area of more than 100 m² if there is a letter of application accompanied by reasons why the remaining land must be compensated. However, for people who do not submit a letter of application, the land acquisition committee cannot immediately determine that the land is residual land that must be compensated. The application letter from the community which will form the basis for the land acquisition committee to hold a meeting and consider the reasons put forward by the community why the remaining land must be compensated.

Given that the community must give up their land for a development activity, it must be guaranteed that their socio-economic welfare will not be worse than the original situation, at least it must be equivalent to the situation before the land was used by other parties.¹⁴

¹³Results of the Third Interview with Mr. Dede Supriatna, One of the Land Procurement Committees at the Bogor Regency Land Office, on April 11, 2022, 10.22 WIB.

¹⁴Maria S.W. Sumardjono, (2008). *Tanah Dalam perspektif Hak Ekonomi, Sosial dan Budaya*, Jakarta: Penerbit Buku Kompas, p. 282.

3.2. Constraints and Solutions in Implementing Compensation for Remaining Land Sector in Land Procurement for Construction of Public Facilities in Bogor Regency

Implementation of compensation payments residual land must pay attention to the aspect of justice for parties affected by land acquisition. Therefore, the government must act wisely towards the compensation process.¹⁵

According to Sarjita, land acquisition is any activity to obtain land by providing compensation to those entitled to the land.¹⁶

The implementation of the payment of compensation for the remaining land in the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection) has several direct or indirect obstacles. In this case, there are several obstacles that hinder the implementation of compensation payments, namely:

- Constraints from Society
 - Objection to the Amount of Compensation

Obstacles from the community according to Dede Supriatna as one of the land acquisition committees at the Bogor Regency Land Office revealed that "The compensation value offered by the government to the community is still too low than what the community wants. So this has caused objections and objections from some residents."¹⁷

The amount of compensation for the remaining land offered by the government in the construction project of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection) is in accordance with the Sales Value of Tax Objects (NJOP) in the Cibadak and Kayu Village areas. Sweet on average IDR 300,000, - per square meter. According to Mr. Pujiyanto, one of the residents of Cibadak Village whose rice fields are now submerged in ± 1.5 meters of water

¹⁵Aji Bayu Prasetya and Rahayu Subekti, "Aspek Hukum Pembayaran Ganti Rugi Dalam Pengadaan Tanah Untuk Jalan Tol", *Jurnal Pendidikan Kewarganegaraan Undiksha* Vol. 10 No. 2 May 2022, <https://ejournal.undiksha.ac.id/index.php/JJPP/article/view/46942>. (Accessed on 05 May 2022).

¹⁶Sarjita, (2005). *Masalah Pelaksanaan Urusan Pertanahan dalam Era Otonomi Daerah (Keppres No. 34 Tahun 2003)*, Yogyakarta: Tugu Jogja, p. 43.

¹⁷Results of the Third Interview with Mr. Dede Supriatna, One of the Land Procurement Committees at the Bogor Regency Land Office, on April 11, 2022, 10.22 WIB.

and until this research ends, the remaining land has not been compensated, explains as follows:¹⁸

"The offer of compensation for the remaining land given by the government is very low compared to the prevailing market price in Cibadak Village. This is because the government refers to the size of the NJOP, while the market price is already much higher than the NJOP. In Cibadak Village, the average market price of land has reached IDR 500,000 per square meter, while the NJOP is only around IDR 300,000 per square meter".

Likewise with Mr. Mustari, a resident of the Kayu Manis Village whose rice fields can no longer be used because it is located right in front of the 3x4 m² out let box culvert. where when it rains heavily it's certain the plants planted on the remaining land will be carried away by the flow of water, which until this research ends the remaining land has not been compensated by the government, the author explains as follows:¹⁹

"This obstacle in compensating for the remaining land occurs because the government only sticks to the amount of the NJOP, while we hope that the price given is according to the market considering that our rice fields really can no longer be used as a place to depend on life. Therefore, by getting a decent amount of compensation, at least the compensation money is enough for us to buy another rice field."

- Objection to the Provisions on the Remaining Land Area Provisions for Compensation

Provisions regarding the residual land area to be compensated for, namely for residual land whose area is not more than 100 m², while the remaining land with an area of more than 100 m² will be reviewed by the land acquisition operator, which is considered very unfair by the residents of Cibadak Village and Kelurahan Cinnamon because this provision is considered to provide space for the government to reduce prices to be in accordance with the NJOP only.

¹⁸Results of an interview with Mr Pujianto, one of the residents of Cibadak Village who owns the remaining land, on April 7, 2022, at 09.25 WIB.

¹⁹Results of an interview with Mr. Mustari, one of the residents of the Kayu Manis Village who owns the remaining land, on April 6, 2022, 10.12 WIB.

Based on the description above, the objection factor over the area of the compensation field is one of the obstacles in the implementation of compensation by the Government to the community. Indeed, in principle, there are already rules that regulate the area of the remaining land parcels in land acquisition. If the remaining land area does not exceed 100 m², the land owner can be compensated. However, as long as the remaining land area exceeds 100 m², the implementer can carry out further reviews.

- Application for Compensation for Residual Land is not Filed Collectively

Based on the provisions of Article 35 of Act No. 2 of 2012, Article 67 of Presidential Regulation No. 71 of 2012, Articles 11 and 13 of Perka BPN No. 5 of 2012, as a positive law governing residual land that the party entitled to the remaining land must be active in the settlement of the remaining land because if there is no request from the entitled party, the land acquisition implementer in this case P2T cannot act. This is due to the prevailing statutory provisions, where P2T can only move if there is a request from the party entitled to the ownership of the remaining lands.

The existence of this provision causes many community members to submit their applications individually or not collectively. This condition makes the bargaining position of the residents very weak, so it is possible for the government to set the compensation price for the remaining land to be lower than the market price.

Based on the above process, the authors found an unsolved problem, namely regarding the fate of the parties entitled to the remaining lands which later did not pass the verification by the land acquisition operator because the remaining land area exceeded 100 m².

- Obstacles From the Government

The main obstacle faced by the government in implementing compensation for the remaining land is that there are a small number of residents who still do not agree with the government regarding the amount of the compensation price determined based on the NJOP. Meanwhile, the government itself still does not dare to provide compensation in excess of the Sales Value of the Tax Object (NJOP).because there are no provisions governing the compensation mechanism for the remaining land that exceeds 100 m². This greatly affects the implementation of the construction of public facilities. In addition, according to Triana Meilinda, the lack of public awareness in participating in the success of the construction of public facilities is also one of the causes of the incomplete

implementation of compensation for the remaining land in the Bogor Outer Ring Road (BORR) Section IIIA Toll Road construction (Yasmin - Kayu Manis Intersection).²⁰

Based on some of the obstacles mentioned above, the implementation of the payment of compensation for the remaining land in the construction activities of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection) has been hampered. On the government side, there are obstacles due to the rejection of price fixes from the residents and lack of public awareness in the success of development. Meanwhile, the constraint from the community is that the price of compensation offered by the government is still too low because the government refers to the Selling Value of the Tax Object (NJOP).

This residual land problem has caused confusion for both the Land Procurement Committee and the agency that requires land, in this case the Ministry of PUPR in the Letter of the Director General of Land Procurement of the Ministry of ATR/BPN Number 738/29.1-600/III/2018 dated March 7, 2018 regarding Application for Land Settlement Instructions Remaining and Affected Land, the Director General of Land Procurement answered the letter sent by the Director General of Highways of the Ministry of PUPR Number TN01.01-Db/87 dated January 25, 2018. Through the letter, the Director General of Land Procurement only explained that the mechanism for settling the remaining land was in accordance with the legislation.

The letter explains Article 35 of Act No. 2 of 2012 concerning Land Procurement that in the case of certain land parcels affected by land acquisition there are remnants that can no longer be functioned according to their designation and use, the entitled party may request a complete replacement of the land parcel, while What is meant by "no longer able to function" is a parcel of land that can no longer be used according to its original designation and use, for example a residential house which is divided so that part of it cannot be used as a residential house. Therefore, the party who controls/owns the land can ask for compensation for the entire land.

²⁰Results of an interview with Ms. Triana Meilinda, as Chair of the Commitment Making Committee (PPK) for the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection), April 28, 2022, 09.52 WIB.

Based on this explanation, if there is residual land which in terms of its use can no longer be functioned as before, it can be categorized as residual land that can no longer be functioned according to its designation and use. The examples of problems given in the form of types of non-agricultural land use have not been able to answer the confusion of the Land Procurement Committee where the remaining land that can no longer be used is in fact not only in terms of land use. Like the residual land problem that occurred in Kayu Manis Village and Cibadak Village, most of the remaining land is agricultural land, which in terms of use can still be planted but in terms of production yields have decreased, even the results cannot be taken. The problem of residual land in the form of non-agricultural land also occurs a lot as a result of closed access, because if viewed from the side of use as a residential house, the residential house is not affected by the toll route. Therefore, this manual for the settlement of the remaining land has not been able to answer the problems experienced by the Land Procurement Committee regarding the criteria for residual land.

As did the Land Procurement Committee in Bogor Regency, the first step in handling the remaining land is a request from the land owner to be replaced in its entirety. With this application, it becomes the basis for providing compensation for the remaining land. According to the researcher, the application for the remaining land is not properly used. Settlement of residual land requires a basis for follow-up, but it is better if the mention of the remaining land application is changed to a statement of residual land. The owner of the land has actually been harmed due to the remaining land for land acquisition, so it is not appropriate to call it a residual land application. The information on the remaining land should be made jointly by the parties, namely the land owner and the government represented by the land acquisition committee.

The land acquisition committee assumes that compensation for the remaining land is carried out after the land acquisition for the toll road route is completed. This assumption is a wrong assumption because the letter from the Director General of Land Procurement states:

"Based on Article 11 and Article 13 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 5 of 2012 concerning Technical Guidelines for the Implementation of Land Procurement, among other things, it states that in the event that there is residual land from certain registered or unregistered land parcels that are subject to land acquisition and

not can again be functioned in accordance with its designation and use, the parcel of land is measured and mapped in its entirety and compensation is given at the request of the entitled party.

According to the researcher, the assumption of the land acquisition committee is still inaccurate and does not fulfill the sense of justice in the community because compensation for the remaining land should be carried out together with compensation for land affected by the construction of public facilities. The Director General of Land Procurement clearly stated in his letter that the remaining land parcels were measured and mapped in their entirety. So the statement of the remaining land should also have been received by the land acquisition committee during the identification and inventory of land parcels.

The remaining land should be compensated in full along with the plot of land affected by the trace. The community can submit an application during the implementation stage of land acquisition. When the announcement of the results of the inventory and identification is given 14 (fourteen) working days, the community can file a rebuttal/objection by submitting a request for the land parcel to be replaced in its entirety.

The implementation of land acquisition as mentioned above has been carried out well in the construction activities of the Bogor - Ciawi - Sukabumi (Bocimi) Toll Road. Task Force A can measure and map the remaining land parcels both during the measurement of the affected area and after the announcement is made. The basis of Task Force A is to measure and map the remaining land, namely a letter of application from the entitled party. The application letter is submitted when the identification and inventory results are announced. The identification and inventory of the residual land along with the affected land makes it easy to resolve. Settlement of residual land can be carried out immediately so as to prevent problems regarding residual land.²¹

Regarding the determination of the compensation value for the remaining land, it is not explained in the letter from the Director General of Land Procurement. However, the determination of compensation for the remaining land can be followed by an example from the experience of land acquisition on the Bogor-

²¹Zahra Ats Tsaurah, Julius Sembiring, Rofiq Laksamana, "Penyelesaian Atas "Tanah Sisa" Pada Pengadaan Tanah Di Provinsi Lampung", *Jurnal Tunas Agraria* Vol. 1 No. 1 September 2018, <https://jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/8/28>. (Accessed on 04 May 2022).

Ciawi-Sukabumi (Bocimi) Toll Road. Where the compensation value for the remaining land is different from the affected land, the compensation value for the remaining land uses the market price while the compensation value for the affected land uses a premium price. The impact occurs in the implementation of compensation for the remaining land prices which until now have not been completed and are protracted.

According to the researcher, the valuation of this residual land can be determined based on the mechanism adopted by the land owner. This mechanism relates to when to submit a statement of remaining land. Based on Article 11 and Article 13 of the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 5 of 2012, the submission of a statement of residual land is carried out when measuring and mapping the plot so that the plot of land is mapped in its entirety (residual land and trace land), then the compensation assessment is carried out in full. This full assessment means that the value of the remaining plot of land and the trace land is the same. In essence, the loss felt by the land owner is the same between the remaining land and the trace land.

The legal basis that now applies as positive law is Act No. 2 of 2012 concerning Land Procurement for Development in the Public Interest, but for the remaining plots of land that can no longer be functioned according to their designation and use as contained in Article 35 of Act No. 2 of 2012 still requires legal interpretation so that the public is more aware if there are remaining unused plots of land in land acquisition. In addition, the form of compensation must be in accordance with the agreement reached in deliberation, the form of compensation must also be comprehensive.

The object of assessment for compensation purposes includes physical (material) compensation and non-physical (immaterial) compensation. In physical (material) compensation, the appraiser is in charge of assessing the amount of compensation for the field per plot of land, as well as in non-physical (immaterial) compensation, the remaining land loss is the decrease in land value due to taking part of the land parcel.²²In the event that the remaining land can

²²Febriadi, A. Rachmad Budiono, Istislam, "Penentuan Harga Dalam Pemberian Ganti Kerugian Hak Atas Tanah Dan Atau Bangunan Dalam Pengadaan Tanah Untuk Pembangunan Jalan Tol (Studi Di Kelurahan Madyopuro Kota Malang)", <https://media.neliti.com/media/publications/119141-ID-penentuan-harga-dalam-pemberian-ganti-ke.pdf>. (Accessed on 05 May 2022).

no longer be used according to its designation, then the replacement of the entire plot of land can be calculated. So with this in mind, the land price appraisal team conducts a land price assessment based on the Tax Object Sales Value (NJOP) or real value and is guided by the variables of location and land location, land status, land designation, suitability of land use with spatial planning area or regional or city spatial planning, available facilities and infrastructure, other factors that affect land prices. With these guidelines, the compensation that will be given will be better or at least can improve the socio-economic life of those who own the land affected by land acquisition.

4. Conclusion

The implementation of compensation for the remaining land parcels in land acquisition for the construction of public facilities in Bogor Regency, namely the implementation of the construction of the Bogor Outer Ring Road (BORR) as a whole has not been carried out optimally because there is still land that has not been paid for with various kinds of problems. This is because the Land Procurement Committee is still confused in determining and deciding whether the remaining land that is not affected by the toll road construction ROW should be compensated or not. Until now, there are still 36 (thirty six) of the 171 (one hundred and seventy one) remaining land parcels that have not received compensation, namely the remaining land parcels located in Cibadak Village and Kayu Manis Village. Meanwhile, the obstacle that hinders the implementation of compensation payments for the remaining land in the construction of the Bogor Outer Ring Road (BORR) Section IIIA (Yasmin - Kayu Manis Intersection), namely obstacles from the community, namely the compensation price set by the government is still considered too low from the price, because it is only determined based on the Selling Value of the Tax Object (NJOP). The obstacle from the government is that there is a legal vacuum regarding the compensation mechanism for the remaining land which covers an area exceeding 100 m².

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