

ABSTRAK

Pada perkembangannya pelaksanaan Undang-Undang Nomor 2 Tahun 2012 belum sesuai dengan amanat Pasal 28D UUD NRI 1945, hal ini terlihat dalam kasus Pembebasan lahan guna pengadaan tanah untuk pembangunan jalan tol di Sido Gemah yang besarnya tidak sesuai dengan harapan masyarakat terdampak.

Sehingga perlu kiranya dibahas terkait mengapa pelaksanaan kebijakan Pengadaan tanah serta ganti Kerugian Tanah Guna Pembangunan Kepentingan Umum belum berkeadilan? kelemahan-kelemahan apasajakah timbul dalam pelaksanaan kebijakan Pengadaan tanah serta ganti Kerugian Tanah Guna Pembangunan Kepentingan Umum? bagaimanakah rekonstruksi kebijakan

Pengadaan tanah serta ganti Kerugian Tanah Guna Pembangunan Kepentingan Umum yang berbasis nilai keadilan? Adapun tujuan dari penelitian disertasi ini ialah untuk menganalisis pelaksanaan kebijakan Pengadaan tanah serta ganti Kerugian Tanah Guna Pembangunan Kepentingan Umum yang belum berkeadilan. Untuk menganalisis kelemahan-kelemahan yang timbul dalam pelaksanaan kebijakan Pengadaan tanah serta ganti Kerugian Tanah Guna Pembangunan Kepentingan Umum. Untuk merekonstruksi kebijakan Pengadaan tanah serta ganti Kerugian Tanah Guna Pembangunan Kepentingan Umum yang berbasis nilai keadilan. Metode dalam penelitian ini ialah yuridis sosiologis dengan paradigma konstruktivisme.

Berdasarkan temuan penelitaian disertasi ini, ditemukan beberpa fakta dan masukan yaitu pelaksanaan ganti kerugian pada pengadaan tanah guna pembangunan untuk kepentingan umum di Indonesia saat ini masih belum berkeadilan, hal ini terlihat dengan adanya persoalan ketidak jelasan lama pelunasan ganti kerugian tanah pasca dilakukannya penentuan lokasi, tidak jelasnya patokan dalam hal penentuan besaran ganti kerugian, serta kurangnya transparansi proses ganti rugi kepada masyarakat terdampak, adapun kelemahan dalam sistem ganti kerugian pada pengadaan tanah guna pembangunan untuk kepentingan di Indonesia saat ini ialah kelemahan terkait peraturan perundang-undangan yang mana baik Undang-Undang Nomor 2 Tahun 2012 dan Peraturan Presiden Nomor 148 Tahun 2015 tidak memuat secara jelas lama pelunasan ganti kerugian, besaran ganti kerugian, serta keterlibatan masyarakat terkait ganti kerugian pada pengadaan tanah guna pembangunan untuk kepentingan umum, sehingga perlu dilakukan rekonstruksi hukum baik dalam Undang-Undang Nomor 2 Tahun 2012 maupun Peraturan Presiden Nomor 148 Tahun 2015.

Kata Kunci : *Rekonstruksi, Ganti kerugian, Pengadaan Tanah, Kepentingan Umum dan Keadilan*

ABSTRACT

In its development, the implementation of Law Number 2 of 2012 has not been in accordance with the mandate of Article 28D of the 1945 Constitution of the Republic of Indonesia, this can be seen in the case of land acquisition for land acquisition for the construction of toll roads in Sido Gemah, the amount of which is not in accordance with the expectations of the affected community.

So it is necessary to discuss why the implementation of the policy of land acquisition and compensation for land losses for development in the public interest is not fair? what weaknesses arise in the implementation of the policy of land acquisition and compensation for land losses for development in the public interest? how is the reconstruction of land acquisition policies and compensation for land losses for the development of public interest based on the value of justice? The purpose of this dissertation research is to analyze the implementation of land acquisition policies and compensation for land losses for the development of unjust public interests. To analyze the weaknesses that arise in the implementation of land acquisition policies and compensation for land losses for the development of public interests. To reconstruct the policy of land acquisition and compensation for land losses for the development of public interests based on the value of justice. The method in this research is sociological juridical with a constructivist paradigm.

Based on the findings of this dissertation research, several facts and inputs were found, namely the implementation of compensation for land acquisition for development for the public interest in Indonesia at this time is still not fair, this can be seen from the problem of unclear length of time to pay for land compensation after determining the location, not clear benchmarks in terms of determining the amount of compensation, as well as the lack of transparency in the compensation process for the affected communities, as for the weaknesses in the compensation system for land acquisition for development for the benefit of Indonesia at this time are weaknesses related to the laws and regulations which are good Law Number 2 of 2012 and Presidential Regulation Number 148 of 2015 do not clearly state the length of payment for compensation, the amount of compensation, and community involvement in relation to compensation for land acquisition for development for the public interest, so reconstruction is necessary. Law both in Law Number 2 of 2012 and Presidential Regulation Number 148 of 2015.

Keywords: Reconstruction, Compensation, Land Acquisition, Interests General and Justice