

ABSTRACT

THE RELEASE OF LAND RIGHTS FOR TRANS SUMATERA TOLL ROADS DEVELOPMENT IN TEGINENENG SUB-DISTRICT, REGENCY OF PESAWARAN

By

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According to Law No.2/2012 on Land Procurement, the toll road is one of compulsory releasing objects for the benefit of the State infrastructures. The process of land acquisition under this law can be implemented through the stages of planning, preparation, execution and result delivery. In the Sub-district of Tegineneng , the land exposed to expansion was 5,600 km in length with 1.9568 million M2 in width. The implementation of the land rights acquisition in the sub-district of Tegineneng was still less efficient, especially in terms of evaluation of compensation due to the improper set of price in accordance with the market price.

The problems in this research are formulated as follows: a. How is the land acquisition for public purposes of Trans Sumatra Toll Roads in Tegineneng sub-district? b. How is the legal impact of changes in juridical data in terms of land rights release for public interest?

The method used in this research were conducted through normative and empirical approaches while the data sources were gathered from primary, secondary, and tertiary data sources.

The results showed that the land rights release for the development of Trans-Sumatra Toll Roads in Tegineneng sub-district has passed across six villages with 1.9568 million m2 in width and 5,600 km in length. The mechanism of the land rights release was preceded by verifying the Location Determination Agreement of the Development of Trans Sumatra Toll Roads Segment of Tegineneng by the Governor through a Decree No. G / 214 / III.09 / HK / 2015, then the Decree of the Head of the Land Office No. 68 / Kep-18.300 / V / 2015 regarding the assignment of the Head of the District Land Office of Pesawaran Regency as the Chief Executive of the Land Acquisition. There were 8 stages of the land release process included: socialization, pegging, and measurement, announcement of the measurement results, consensus pricing, compensation payment, waiver, and certification. The compensation payment was done in accordance with the market

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value of the highest selling price: the compensation for land was IDR 400 thousands per meter, for building was IDR 1 million per meter, for businesses IDR 125 million and the cost of moving for IDR 7 million. The legal impact of the land acquisition in the sub-district of Tegineneng was only a change in juridical data in which the land ownership was then owned by the State. The management of change in juridical data was conducted by the Land Office of Pesawaran Regency, and the remaining plots of 6 villages affected by the expansion of the construction of this toll road were then being compensated by the State.

Keywords: Release of Land Rights, Public Interest, Trans Sumatra Toll Roads Development

ABSTRAK

PELEPASAN HAK ATAS TANAH UNTUK PEMBANGUNAN JALAN TOL TRANS SUMATERA DIKECAMATAN TEGINENENG KABUPATEN PESAWARAN

Oleh

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Berdasarkan Undang-Undang Nomor 2 Tahun 2012 menyatakan bahwa jalan tol merupakan salah satu objek pelepasan hak untuk kepentingan pembangunan. Proses pelepasan hak berdasarkan undang-undang ini dapat dilaksanakan melalui tahapan perencanaan, persiapan, pelaksanaan dan penyerahan hasil. Di Kecamatan Tegineneng sendiri terkena perluasan sepanjang 5.600 Km dengan luas 1.956.800 M². Dalam pelaksanaan kegiatan pelepasan hak di Kecamatan Tegineneng Kabupaten Pesawaran ini masih kurang efisien terutama dalam hal penilaian ganti kerugian dikarenakan harga yang di tetapkan dianggap tidak sesuai dengan harga pasaran.

Rumusan masalah dalam penelitian ini adalah: a. Bagaimanakah pelepasan hak atas tanah untuk kepentingan umum Jalan Tol Trans Sumatera di Kecamatan Tegineneng? Serta b. Bagaimanakah dampak hukum dari perubahan data yuridis dalam hal pelepasan hak untuk kepentingan umum?

Pendekatan masalah yang digunakan adalah pendekatan secara normatif dan empiris dan data yang digunakan adalah data primer, data sekunder, dan data tersier.

Hasil penelitian menunjukkan bahwa pelepasan hak atas tanah untuk pembangunan jalan tol trans sumatera Kecamatan Tegineneng ini melewati 6 desa dengan luas 1.956.800 m² dan panjang 5,600 km. Mekanisme pelepasan hak atas tanah ini didahului dengan Persetujuan Penetapan Lokasi Pembangunan Jalan Tol Trans Sumatera Ruas Tegineneng oleh Gubernur melalui Surat Keputusan No G/214/III.09/HK/2015, kemudian keluar Surat Keputusan Kepala Kantor Pertanahan No 68/Kep-18.300/V/2015 perihal penugasan Kepala Kantor Pertanahan Kabupaten Pesawaran Sebagai Ketua Pelaksana Pengadaan Tanah. Tahap- tahap proses pelepasan hak ini melalui 8 tahapan yaitu: sosialisasi, pematokan, pengukuran, pengumuman hasil ukur, musyawarah harga,

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pembayaran ganti kerugian, pelepasan hak, dan sertifikasi. Mengenai pemberian ganti kerugian ini didasarkan pada nilai jual tertinggi pasar dengan harga tanah 400 rb per meter, dan bangunan 1 juta per meter, usaha diberi ganti kerugian 125 juta dan biaya pindah 7 juta rupiah. Terhadap dampak hukum di Kecamatan Tegineneng ini hanya terjadi perubahan data yuridis dimana status hak menjadi milik Negara, pengurusan perubahan data yuridis ini dilakukan oleh Kantor Pertanahan Kabupaten Pesawaran, dan mengenai sisa bidang tanah dari 6 desa yang terkena perluasan untuk pembangunan jalan tol ini tidak terdapat sisa bidang tanah, semua diberi ganti kerugian oleh Negara.

Kata Kunci: Pelepasan Hak Atas Tanah, Kepentingan Umum, Pembangunan Jalan Tol Trans Sumatera