

# Implementation of Provision of Compensation in Land Procurement for Public Interest in Boyolali District: A Study of Solo-Yogyakarta Toll Road Development

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**Abstract.** The land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency is inseparable from the provision of compensation. The compensation until February 2022 has only reached 82 percent. This study aims to explain the practice of providing compensation for land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency and to find out the obstacles and solutions to providing compensation for land acquisition for the construction of the Solo-Yogyakarta toll road in Boyolali Regency. The approach method is empirical juridical with research specifications that are descriptive analytical. The results showed that the compensation provided for the land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency was appropriate and fair as regulated in Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest and implementing regulations, but there are still 126 plots of land that have not been compensated. Barriers to the provision of compensation occur on government agency land, ground in the village treasury (*Tanah Kas Desa/TKD*), *waqf* land, and individual land. The solution is to need bailout funds from Toll Road Business Agency (*Badan Usaha Jalan Tol/BPJT*) and consignment.

**Keywords:** payment of compensation, land acquisition, solo-yogyakarta toll road project in boyolali regency.

## 1 Introduction

Indonesia, as an agrarian country, the land becomes a livelihood for every community, which aims to achieve prosperity and support the implementation of development implementation. For the sake of increasing prosperity and the general welfare in the life of the community, development needs to be carried out.

Implementing national development in certain fields, especially physical development, requires a large land area. The availability of free state land that has not been granted land rights and state land controlled by government agencies is very limited in number and cannot meet the development needs. Therefore, the way to obtain land for development activities can be done through the land acquisition mechanism.

The government carries out land procurement for development in the public interest using relinquishing land rights, revocation of land rights, or other agreed methods, such as buying and selling, exchanging, and others [1]. The implementation of land acquisition is carried out by providing appropriate and fair compensation to the entitled party.

Infrastructure development is carried out to accelerate economic growth in Indonesia, so land acquisition activities are needed. Implementation of land acquisition for development in the public interest, namely the construction of the Solo-Yogyakarta toll road in Boyolali Regency. Land acquisition activities for the public interest on the Solo-Yogyakarta toll road project in Boyolali Regency require land on a large scale, covering an area of  $\pm 896,335$  m<sup>2</sup>.

The implementation of land acquisition for the public interest cannot be separated from the provision of compensation for land acquired for land acquisition. Article 18 of Law No. 5 of 1960 concerning Basic Agrarian Law reads, "For the public interest, including the interests of the nation and state as well as the interests of the people, land rights can be revoked by providing appropriate compensation according to the method regulated in the Act" [2].

The most crucial stage of land acquisition implementation is land compensation, which impacts land acquisition. In essence, land acquisition or revocation can only be carried out based on the approval of the land rights holder, both regarding the technical implementation and the amount of compensation provided [3] [4].

The problem of compensation for land acquisition is a compassionate component. Determining the amount of compensation and land acquisition often undergo a fairly long and time-consuming process because there is no common ground agreed upon by the parties concerned [5].

Providing compensation for land acquisition often has obstacles that cause land acquisition not to proceed quickly. This problem also occurs in land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency. Since the location determination for land acquisition by the Governor of Central Java in 2020 until February 2022, the land acquisition has only reached 82 percent. The delay in land acquisition because compensation has not been given will certainly hamper the development process.

Based on the description of the background above, this study aims to further analyze the issue of providing compensation for land acquisition with the focus on the implementation of the provision of compensation in land procurement for public interest in Boyolali District with a case study of Solo-Yogyakarta Toll Road Development. Thus, the problem can be formulated as follows:

- a. What is the practice of giving compensation in land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency?
- b. What are the obstacles and solutions in providing compensation in land acquisition for the Solo-Yogyakarta toll road construction project in Boyolali Regency?

## **2 Research Methods**

The method used in this research is an empirical juridical approach that looks at the workings of law in society and solves a problem manifested in research on the effectiveness of the law that is currently in effect [6]. Solving the problem of providing compensation in land acquisition for the public interest in the Solo-Yogyakarta toll road project in Boyolali Regency not only sees the work of the law autonomously but views the work of the law as part of its work in other aspects of people's lives such as the economy., social, political, cultural, and others. Justice in the whole society exists in the community, not only in the applicable laws and regulations.

The research specification in writing this thesis is in the form of descriptive-analytical research. Descriptive has meaning in this writing; the author intends to systematically, systematically, and thoroughly describe everything related to the provision of compensation in

land acquisition for the Solo-Yogyakarta toll road in Boyolali Regency [7]. The analytical definition is grouping, linking, and marking the Implementation of Compensation in Land Procurement for Public Interest in the Boyolali Regency (Solo–Yogyakarta Toll Road Development Study)

The data used in writing this law is from primary and secondary data. The primary data in this study were obtained through interviews with parties related to the Provision of Compensation in Land Procurement for the Solo-Yogyakarta toll road in Boyolali Regency and documentation through recording the existing data at the Boyolali Regency Land Office. The secondary data used are sourced from primary legal materials and secondary legal materials

The data analysis method used is descriptive qualitative. After data has been collected, it is described in a logical and systematic description, then analyzed to obtain clarity of problem-solving. Then deductive conclusions are drawn from general things to more specific ones [6] [8].

### **3 Research Results and Discussion**

#### **3.1 The Practice of Giving Compensation in Land Procurement for Public Interest of the Solo-Yogyakarta Toll Road Project in Boyolali Regency**

The construction of the Solo-Yogyakarta toll road in Boyolali Regency is still ongoing. Land acquisition for this toll road project has started since the Decree of the Governor of Central Java No. 590/38 of 2020 concerning the Determination of Land Procurement Locations for Road Construction. Solo – Yogyakarta Toll Road in Karanganyar Regency and Boyolali Regency on July 27, 2020, which determined the location of land acquisition for the construction of the Solo-Yogyakarta toll road in Karanganyar Regency and Boyolali Regency covering an area of  $\pm 946,336 \text{ m}^2$ . Location data for Boyolali Regency, which is the object of land acquisition, are:

1. Banyudono District affected by land acquisition are:
  - a. Banyudono Village
  - b. Batan Village
  - c. Kuwiran Village
  - d. Sambon Village
  - e. Jembungan Village
2. Sawit sub-districts affected by land acquisition are:
  - a. Guwokajen Village
  - b. Bendosari Village
  - c. Jatirejo Village
  - d. Kateguhan Village

The implementation of land acquisition is carried out by taking into account the role and function of land for the use of human life and the application of the principle of respect for land rights. Land procurement for the public interest is carried out appropriately and is pursued using direct deliberation with land rights holders [9].

Following the determination of the location of land acquisition for the construction of the Solo-Yogyakarta toll road in Karanganyar Regency and Boyolali Regency, which has been in effect since 2020, this land acquisition rule is automatically subject to Law No. 2 of 2012

concerning Land Procurement for Development in the Public Interest and its implementing regulations, namely Presidential Regulation No. 71 of 2012 concerning Implementation of Land Procurement for Development in the Public Interest and the rules for its amendment and a transition period with implementing regulations after the enactment of Job Creation Law (*Undang-Undang Cipta Kerja/UUCK*), namely Government Regulation No. 19 of 2021 concerning Implementation of Land Procurement for Development in the Public Interest. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 19 of 2021 concerning Provisions for the Implementation of Government Regulation No. 19 of 2021 concerning Implementation of Land Procurement for Development in the Public Interest [10].

The land acquisition for the Solo-Yogyakarta toll road is a project included in the list of National Strategic Projects (*Program Strategis Nasional/PSN*). The State Asset Management Institute (*Lembaga Manajemen Aset Negara/LMAN*) finances funding for land acquisition to support the acceleration of PSN infrastructure development. The Regulation of the Minister of Finance No. 139 /PMK.06/2020 concerning Procedures for Funding Land Acquisition for National Strategic Projects is carried out by establishing long-term and/or reserve funds. Compensation payments can be made directly by LMAN to the entitled party or through PSN compensation payments through Toll Road Business Agency (BUJT) bailouts.

Assessment for compensation purposes in land acquisition for the public interest is compensation that can be measured in money, which includes physical compensation, and non-physical compensation, which includes land, above ground, and underground space, buildings, plants, and other objects can be valued. It means that physical (material) compensation includes land and/or buildings and/or plants and/or other land-related objects, such as utilities and building complementary facilities. In contrast, non-physical (immaterial) compensation in the provisions of the law the invitation is not clearly stated. It only mentions other losses that can be assessed [11].

Djarot Suchahyo, as Head of the Land Procurement and Development Section of the Boyolali Regency Land Office, explained that the land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency for all plots of land had been carried out in the consultation. The implementation of compensation from the target of 1092 plots of land in 2 (two) sub-districts, namely Banyudono and Sawit sub-districts, with 184 plots of land being public facilities or social facilities, 908 other parcels of land with 25 pending conditions, four parcels of land being avoided. So, from 879, around 753 fields have been paid compensation (*Uang Ganti Rugi /UGR*). A description of land plots per village that the loss of land acquisition has replaced is presented in Table 1.

**Table 1.** Field of Land that has been Compensated in Banyudono District

No.	Village Location	Already Replaced		
		Field	Large	Compensation
1.	Banyudono Village	-	-	-
2.	Batan Village	-	-	-
3.	Kuwiran Village	178	143,065	247,550,447,371
4.	Sambon Village	58	23	53,876,559,627
5.	Jembungan Village	172	119,069	171,463,083,590

Source: Progress Report on the Implementation of Solo-Yogyakarta Toll Road Land Acquisition in Boyolali Regency as of February 08, 2022

**Table 2.** Plots of Land that have been Compensated in Sawit District

No.	Village Location	Already Replaced		
		Field	Large	Compensation
1.	Guwokajen Village	77	67,079	89,679,595,744
2.	Bendosari Village	6	3,987	3, 996, 543,498
3.	Jatirejo Village	114	140,503	146, 356,186, 432
4.	Kateguhan Village	148	58,929	89, 134, 232, 202

*Source: Progress Report on the Implementation of Solo-Yogyakarta Toll Road Land Acquisition in Boyolali Regency as of February 08, 2022*

Article 1 No.10 of Law No. 2 of 2012 states that compensation is proper and fair to the entitled party in the land acquisition process. According to the results of interviews with residents whose land was acquired, the compensation money (UGR) given is quite feasible because it is based on an assessment from a competent party, namely the appraisal team, which in calculating the compensation is based on the current year's Tax Object Sales Value (*Nilai Jual Objek Pajak/NJOP*). The results of the deliberation on the determination of compensation then become the basis for giving compensation which is contained in the minutes of the agreement. The valuation for each parcel of land is different. So, for each land for estimated land, the price per meter varies depending on the location of the land.

Land belonging to residents who have not been released when it will be confirmed in the field turns out that the residents have not been able to be found. Meanwhile, the land parcels that have not been released are 126 parcels with a total of 17 parcels of land that have not been approved for compensation, consisting of 8 Village Cash Lands (TKD), 1 Land of the Ministry of Transportation in charge of Land Transportation Management Agency (*Badan Pengelola Transportasi Darat/ BPTD*) Wil. X, and five lands owned by residents.

Based on the study results, parties who disagree with the compensation that the land acquisition committee has determined will be re-delivered. An approach will be taken until a compensation agreement is reached. However, compensation will be deposited at the District Court (consignment) if these efforts cannot agree upon.

So, it can be concluded that the implementation of compensation for land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency follows Law No. 2 of 2012 concerning Land Procurement for Development in the Public Interest. However, the land acquisition committee has not acquired as many as 126 plots of land.

### **3.2 Barriers and Solutions in Providing Compensation for Land Procurement for the Solo-Yogyakarta Toll Road Project in Boyolali Regency**

#### **Barriers to Compensation in the Solo-Yogyakarta Toll Road Project in Boyolali Regency**

Land procurement in the Solo-Yogyakarta toll road project in Boyolali Regency is still a parcel of land that has not been paid compensation due to several factors that hinder the implementation of compensation, namely:

a. Banyudono District

Based on the study's results, five villages are affected by the Solo-Yogyakarta toll road construction project in Banyudono District, Boyolali Regency, namely Banyudono Village, Batan Village, Kuwiran Village, Sambon Village, and Jembungan Village. However, in practice, some parcels of land still have not been

compensated, especially on government agency land and village treasury land (TKD) [12]. Some of the inhibiting factors include:

1) Banyudono Village and Batan Village

In Banyudono Village, there are 27 (twenty-seven) plots of land. In Batan Village, 4 (four) plots of land are the target of land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency. However, based on the request of the Commitment Making Officer (*Pejabat Pembuat Komitmen/PPK*) and the Toll Road Business Entity (BUJT), the implementation of land acquisition for 24 (twenty-four) parcels of land in Banyudono Village and one parcel of land in Batan Village was postponed because it was not yet necessary.

The Head of the Land Procurement and Development Section of the Boyolali Regency Land Office said that in Banyudono and Batan villages, the land acquisition was postponed because it was related to toll exits in and out, while in out toll roads in Kartasura already existed, for in out toll roads will be built around the village. It is unknown whether it will be postponed forever or eventually released. So, for Banyudono Village and Batan Village, no land parcels have been given compensation because the land acquisition has been postponed for now.

2) Kuwiran Village

In Kuwiran Village, out of a total of 256 plots of land affected by land acquisition for the Solo-Yogyakarta toll road in Boyolali Regency, the areas that have not received compensation are as many as 12 plots (3 PLN lands, 5 TKD, one land from the Ministry of Transportation BPTD Wil. X, one plot of land No Name, two plots avoided), 26 TKD land parcels and one provincial government land plot which is still in the process of filing and licensing, as well as a Banyudono Police land parcel which is still in the process of looking for replacement land.

The provision of compensation for land for government agencies is still hampered because to complete the attachment of the file to apply for a permit for the release of Village Treasury Land (TKD) to the governor and regent; they have to wait for the village deliberation process. In the village of Kuwiran, there were several obstacles, namely related to information from the appraisal namely; there was non-physical compensation money (UGR) that had not been raised in the announcement of the results of the price deliberations after the village government clarified there were several building points that had not been included in the appraisal calculation. In Kuwiran Village, the land acquisition has been completed, except for the No Name (NN) land parcel and the government agency land [13].

Based on the results of the study, it can be seen that in Kuwiran Village, from a total of 256 parcels of land that were acquired, 39 plots of land had not been given compensation.

3) Sambon Village

All plots of land affected by land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency untuk Desa Sambon has 100 percent freed his land and given compensation money [14].

From the data, 61 individual land parcel certificates have been given compensation for all. However, there are still prayer rooms that have not been released because there is no replacement land and buildings.

4) Jembungan Village

Almost 99% of the people in Jembungan Village agree with the compensation money (UGR). Of the total target of 230 plots of land, there are still several plots of land that have not been compensated, namely, there are still parcels of land whose certificates are wrong; the Village Treasury Land (TKD) is still in process and has been entered in the Dispermades which will later hold a special village meeting related to with land exchange for village treasury land [15].

Barriers to the provision of compensation for land acquisition in Jembungan Village for a total of 230 parcels of land that were acquired, there are still 21 parcels of land that have not been compensated. Most of them are Village Treasury Land (TKD) because to provide compensation by LMAN must have been given permission first in advance by the authorized official for the use or disposal of assets on TKD.

Compensation for land acquisition in Banyudono District, for land parcels in affected villages, almost all of the land has been acquired, and compensation money has been given (UGR). Barriers to the provision of compensation in the Banyudono District occurred in parcels of land for government agencies, village treasury lands, and several individual lands.

b. Sawit District

The number of land parcels for each village affected by the toll road project in Sawit District differs. Land parcels are 92 fields, village treasury land (TKD), 23 fields, and three plots of waqf land. For the affected villages, there are four villages with a total of 499 plots, namely 381 residential land parcels and public facilities. In each village in Sawit Sub-district that was affected by land acquisition for the Solo-Yogyakarta toll road project, there are still several parcels of land that have not been compensated for because there are factors that hinder them, including the following:

1) Guwokajen Village

The total target of 127 land parcels affected by land acquisition for the Solo-Yogyakarta toll road in Boyolali Regency is 20 parcels of land that have not received compensation; namely: there are still parcels of land in the process of submitting a Payment Application Letter (*Surat Permohonan Pembayaran/SPP*) to the State Asset Management Agency (LMAN), the Village Cash Land area which is still in the process of filing permits, there are land parcels which is still in dispute, the Village Cash Land area still has not stated agreement due to re-verification regarding the value of the building, and there are still fields that are not known to the owner (No Name) [16].

2) Bendosari Village

Based on the study results, the land parcels in Bendosari Village were rice fields, and all parties agreed on determining compensation for land acquisition. In Bendosari Village, of the total target of 10 plots of land, all compensation has been given. So, in Bendosari Village, there are no obstacles in providing compensation for land acquisition for the construction of the Solo-Yogyakarta toll road project.

3) Jatirejo Village

Jatirejo Village has a total target of 152 plots of land affected by land acquisition for the Solo-Yogyakarta toll road in Boyolali Regency. There are still 16 parcels of land that have not received compensation, namely: there are still residents

who have not agreed to compensation, and there are parcels of land still in the process of applying for compensation. SPP to LMAN, land parcels for the filing and licensing process, there are still areas of dispute, land parcels letter C issued from the Onderneming Ground (OG), and land parcels returned because the party concerned died so that the file must be re-filed.

4) Kateguhan Village

Based on the results of research in Kateguhan Village, from the target of 210 parcels of land acquired for the construction of the Solo-Yogyakarta toll road in Boyolali Regency, there are still 28 parcels that have not received compensation, namely: there are still residents who have not agreed with compensation, there are plots of land on the Onderneming Ground (OG), TKD land and waqf land in the process of filing and licensing, returned land parcels (the party concerned dies) and land parcels that are still in the process of submitting SPP to LMAN.

All residents in Sawit Sub-district agree with compensation for land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency. Almost all land parcels in Sawit District have been compensated. However, there are still 2 parcels of land that are still in dispute in court, namely in Guwokajen Village, related to internal family problems, namely inheritance problems in the family that has not been completed so that they cannot disburse UGR. On government agency land, most of them are TKD all in the filing process because TKD must have provisions for the transfer of use from TKD to public facilities for toll road projects that through permission to the governor for UGR filing [17].

In this regard, it can be concluded that the obstacles in providing compensation for land acquisition on the Solo-Yogyakarta toll road project in Boyolali Regency are partly an obstacle to offering compensation to government agency land and village treasury land. It is because to get approval by the State Asset Management Agency (LMAN) to provide compensation for government agency land and village treasury land. It is necessary to approve the release of land rights by government agencies that have the authority according to legislation. In addition, there are parcels of land whose owners are unknown, and there are still people who do not agree on the amount of compensation that the Appraisal team has determined.

These obstacles will certainly affect the development process in land acquisition because lands that are given compensation in the form of replacement land are only released after the replacement land has been obtained.

### **3.3 Solutions in Overcoming Obstacles**

Solutions to Overcome Obstacles in Providing Compensation for the Construction of the Solo-Yogyakarta Toll Road in Boyolali Regency are as follows:

- a. In the case of land parcels whose land acquisition is postponed, they must wait for a decision from the Commitment Making Officer (PPK) and the Toll Road Business Entity (BUJT) on whether to be postponed forever or the land will be acquired later. Then the construction of the toll road will continue [10].
- b. The disbursement will be accelerated for land parcels that are still in the process of submitting a Payment Application Letter (SPP) to the State Asset Management Agency (LMAN).
- c. On land with No Name (NN) status, you can search for the owner's name in the village C book.



- d. On individual land that has not been approved in the category of dispute, land that is the object of a court case, the entitled party has never been present in the deliberation to determine compensation. The entitled party cannot complete the compensation money file (UGR), the Onderneming Ground (OG) land issued from Letter C. The effort that will be taken is that the compensation money will be immediately deposited with the local District Court (consignment). However, in the consignment itself, there are still differences in regulations. Rules set in the District Court, the consignment money must have been received before the court decision is made. Still, the State Asset Management Agency (LMAN), which finances land acquisition activities, can issue a budget after a court decision. Then it is necessary to synchronize the rules related to the consignment [10].
- e. An accelerated filing and validation proposal will be carried out on land that is still in the process of filing a Payment Application Letter (SPP) to LMAN.
- f. On government lands, because the compensation payment process is financed by the LMAN (State Asset Management Agency), where the administrative requirements can pay compensation money (UGR) on government lands (after the government lands get a permit from the competent authority which takes a long time). It will hinder development. So, the village government must find a replacement land first while the permit runs. At least UGR is bridged by bailout funds by the Toll Road Business Entity (BUJT). So BUJT finances in advance for land acquisition, and when the administrative process is complete, it can request a replacement from LMAN.
- g. In returned land parcels, the filing will be accelerated.

From the results of the study, the efforts made by the land acquisition committee to overcome obstacles in providing compensation, namely an action plan to accelerate settlement for parcels of land that have not been acquired. It is done so that the physical construction of the Solo-Yogyakarta toll road on all target land parcels can be carried out immediately.

## 4 Conclusion

The provision of compensation for the object of land acquisition for the Solo-Yogyakarta toll road project in Boyolali Regency, namely Banyudono and Sawit sub-districts, is funded by LMAN through a direct grant mechanism to the entitled party or through bailout funds by the BUJT. Most residents have agreed with the determination of the form and amount of compensation based on the Appraisal team's assessment results. The provision of compensation for land acquisition has complied with the provisions in Article 1 No. 10 of Law No. 2 of 2012, stating that compensation is a proper and fair compensation to the party entitled to the land acquisition process where the calculation of compensation is based on the Sales Value of Tax Objects ( NJOP) current year. It's just that there are still 126 plots of land that have not been compensated.

Barriers to Compensation in Land Procurement for the Solo-Yogyakarta Toll Road Development Project in Boyolali Regency are caused by several factors, including; a). To apply for the disbursement of compensation money to LMAN as an institution that finances land acquisition activities, it must first complete a permit so that compensation can be given; b). The land acquisition committee is still hampered in providing compensation, especially for government agency land, village treasury land (TKD), and waqf land caused by the licensing process taking a long time from the relevant agencies. The provision of compensation is also

hampered due to several things, such as land is still in dispute in court, parcels of land whose owner is not known (no name), people who do not agree with compensation, there is a parcel of land Letter C issued from Onderneming Ground, as well as land parcels returned due to the death of the party concerned.

Solutions to Overcome Obstacles in Providing Compensation for Land Procurement in Boyolali Regency for the Solo-Yogyakarta Toll Project include; a). The land acquisition committee requires bailout funds by the BUJT to procure replacement land while the ongoing licensing process can then be submitted to LMAN; b). It is necessary to check the village C book to find out the plot of land that the owner does not know (no name); c). It is necessary to deposit compensation money to the local District Court for parcels of land with potential for consignment and returned land parcels because the owner in question dies. A re-file will be carried out so the compensation money can be processed.

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