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# Land Acquisition for the Eviction of Uncertified Residents Houses for the Widening of Manyar Highway

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**Abstract:** This study aims to analyze land acquisition on uncertified land objects and eviction of residents' houses on Jalan Raya Manyar, Gresik Regency for a highway widening project. The main findings show that the majority of affected residents live on uncertified land (customary land or girik), so the land acquisition process faces obstacles to legality and determining fair compensation. Normative analysis based on Law No. 2/2012 on Land Acquisition for Public Road Purposes shows that the government is obliged to provide compensation to residents, even if the land is not certified. However, findings in the field reveal a lack of transparency, lack of socialization, and asset valuation that does not involve independent parties, triggering social conflicts and lawsuits from residents. The implications of this research include the need to accelerate land certification through programs such as PTSL, the implementation of inclusive socialization, and the appointment of an independent appraisal team to ensure objective compensation. In addition, the establishment of a mediation mechanism involving the government, residents and third parties can reduce resistance and improve the effectiveness of infrastructure projects. This research makes an important contribution to the formulation of more humane, equitable, and sustainable land acquisition policies.

**Keywords:** Land Acquisition; Uncertified Land; Ownership Verification; Compensation; Transparency

**Abstrak:** Penelitian ini bertujuan untuk menganalisis pembebasan lahan diatas objek tanah tidak bersertifikat dan pengrusakan rumah warga di Jalan Raya Manyar, Kabupaten Gresik untuk proyek pelebaran jalan raya. Temuan utama menunjukkan bahwa mayoritas warga yang terdampak tinggal diatas tanah tidak bersertifikat (tanah adat atau girik), sehingga proses pembebasan lahan menghadapi kendala legalitas dan penentuan kompensasi yang adil. Analisis normatif berdasarkan Undang-Undang No. 2 Tahun 2012 tentang Pengadaan Tanah untuk Kepentingan Jalan Umum menunjukkan bahwa pemerintah berkewajiban memberikan kompensasi terhadap warga, meskipun tanah tidak bersertifikat. Namun, temuan di lapangan mengungkapkan minimnya transparansi, kurangnya sosialisasi, serta penilaian aset yang tidak melibatkan pihak independen, sehingga memicu konflik sosial dan gugatan hukum dari warga. Implikasi dari penelitian ini meliputi perlunya percepatan sertifikasi tanah melalui program seperti PTSL, penyelenggaraan sosialisasi yang inklusif, dan penunjukan tim penilai independen untuk menjamin kompensasi yang objektif. Selain itu, pembentukan mekanisme mediasi yang melibatkan pemerintah, warga, dan pihak ketiga dapat mengurangi resistensi dan meningkatkan efektivitas proyek infrastruktur. Penelitian ini memberikan kontribusi

*penting bagi perumusan kebijakan pembebasan lahan yang lebih humanis, adil, dan berkelanjutan.*

**Kata Kunci** : *Pembebasan Lahan; Tanah Tanpa Sertifikat; Verifikasi Kepemilikan; Kompensasi; Transparansi*

## **INTRODUCTION**

Infrastructure development is one of the main priorities in driving economic growth and improving connectivity in Indonesia. One form of this is road widening, which often involves land acquisition.<sup>1</sup> However, in practice, land acquisition for infrastructure projects is often characterized by social conflict, especially when dealing with land objects occupied by residents without official certificates. In Indonesia, the existence of uncertified land is still a common phenomenon, especially in rural areas and peripheral urban areas. This raises legal, social and administrative issues, as unregistered land often lacks adequate legal protection for its owners.

Studies on land acquisition on uncertified land are still limited, especially regarding aspects of justice for affected residents. Most previous studies highlight land acquisition in general or the technical aspects of infrastructure projects, while attention to the rights of residents living on uncertified land is often ignored. On the other hand, existing policies such as Law No. 2/2012 on Land Acquisition for Public Interest actually provide space for residents to obtain compensation, even if the land they occupy is not certified. However, the implementation of these policies often does not run optimally as seen in the case of the widening of Manyar Highway, Gresik Regency.

This case demonstrates an important gap in the literature, namely the lack of in-depth analysis of how the process of land acquisition without certificates is carried out, the challenges that arise, and the impact on affected residents. This research aims to fill this gap by critically examining the land acquisition process and the eviction of residents' homes on the Manyar highway. The research is relevant to the Indonesian context, where around 30 percent of land is uncertified according to data from the National Land Agency (BPN). Many people manage land from generation to generation without having formal documents for land ownership. This condition creates uncertainty regarding who is the rightful owner, thus becoming an obstacle in the process of land acquisition for development projects.<sup>2</sup> Verification of uncertified land requires more time and more complex procedures to ensure that compensation is given to the rightful parties.

The absence of land titles also impacted on the compensation negotiation process.

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<sup>1</sup> Dyah Amalia, "Analisis Pengaruh Infrastruktur Terhadap Pertumbuhan Ekonomi Di Sulawesi Selatan," *Jurnal Ilmiah Mahasiswa FEB*, 2023, 196–210, [https://etd.umm.ac.id/id/eprint/8051/%0Ahttps://etd.umm.ac.id/id/eprint/8051/3/BAB II.pdf](https://etd.umm.ac.id/id/eprint/8051/%0Ahttps://etd.umm.ac.id/id/eprint/8051/3/BAB%20II.pdf).

<sup>2</sup> Yeni Yolanda Simbolon et al., "Tinjauan Yuridis Surat Ukur Tanah Dalam Penyelesaian Konflik Pertanahan Sebelum Pelaksanaan Pendaftaran Di Badan Pertanahan Nasional Di Kantor Pertanahan Kabupaten Deli Serdang" 4 (2024).

Many landowners felt that the compensation offered was not comparable to the market price. Different perceptions of land value often trigger conflicts and protests from communities, which in some cases lead to legal disputes that slow down project implementation.<sup>3</sup> For example, in Gresik District, the Manyar Highway widening project faced similar challenges, with many residents who owned land without official titles having difficulty negotiating fair compensation.

This study aims to analyze in depth how the implementation of land acquisition on the object of uncertified land and eviction of residents' houses on Jalan Raya Manyar, Gresik Regency for the highway widening project. In addition, this study emphasizes the importance of a more inclusive and equitable land acquisition policy to support infrastructure development that is not only technically effective, but also provides legal and social protection for affected communities. Thus, this study not only contributes to the academic literature, but also provides practical implications for future policy improvements.

## **METHOD**

This research uses a qualitative approach with a juridical-sociological method to examine the legal, social, and administrative aspects related to land acquisition on uncertified land objects and eviction of residents' houses on Jalan Raya Manyar, Gresik Regency. The juridical-sociological method is a research conducted on the actual state of society and the community environment with the intention and purpose of finding facts and data, which then leads to identification, and finally leads to problem solving.<sup>4</sup> The data analysis methods used are legal interpretation to analyze the regulation of Law No. 2/2012 and how it is implemented in this case, then sociological analysis to understand the social impact of land acquisition on affected residents, including aspects of justice, compensation, and social conflict. Comparative analysis is also used to compare this case with land acquisition practices in other locations to identify the strengths and weaknesses in the implementation. This research focuses on the suitability of the land acquisition process with the rule of law, residents' rights to uncertified land, social and economic impacts, namely how evictions affect the lives of residents both in terms of economic and social, as well as policy and practical implications. Primary data sources are the results of field observations covering the physical condition of the eviction area and the process of socialization and implementation of evictions, and secondary data obtained through legal documents such as Law No. 2/2012 on Land Acquisition for Public Interest, and relevant scientific literature such as journals, books, and articles related to land acquisition and uncertified land rights. With this method, the research is expected to contribute significantly to the literature on land acquisition on uncertified land and identify more inclusive policies for infrastructure development in Indonesia.

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<sup>3</sup> Widaningsih Trenggana et al., "Peran Pemerintah Dalam Pengadaan Tanah Untuk Pembangunan Infrastruktur Publik: Studi Mekanisme Dan Kebijakan" 7083 (2021): 142–56.

<sup>4</sup> Ety Sri Wahyudi Henry Aspan, Emiyanti, "Perjanjian Nominee Dalam Praktik Jual Beli Tanah" 08, no. 6 (2023).

## DISCUSSION

### Legal Aspects of Land Acquisition

Law No. 2/2012 requires the government to provide adequate compensation to landowners affected by the procurement. This compensation is a form of reimbursement that corresponds to the fair value of the land taken, either in the form of money or other equivalent forms. The fair valuation of the land is carried out by an independent appraiser who considers several important aspects, including the market value of the land, the potential for economic development, and the social and economic impacts on the landowners concerned.<sup>5</sup>

Law No. 2 Year 2012 on Land Acquisition for Public Interest is the legal basis that regulates land acquisition for public interest in Indonesia, including for infrastructure development projects. This law aims to resolve land acquisition issues that often lead to disputes, especially related to land rights and fair compensation for affected communities.<sup>6</sup>

The purpose of this law is to provide a transparent, fair and efficient mechanism in land acquisition for public interest. The law regulates all technical and procedural aspects related to land acquisition, from site identification, land valuation, to compensating landowners.<sup>7</sup> The scope of this law covers projects related to the development of national infrastructure, such as roads, bridges, airports, and other public facilities deemed essential for the country's progress. It also covers unregistered or uncertified land but still entitles the landowner to fair compensation.<sup>8</sup>

Law No. 2/2012 is an important instrument to ensure that land acquisition for public interest is conducted in a fair and transparent manner.<sup>9</sup> Nevertheless, there are still challenges in its implementation, especially in the social, legal, administrative and technical, and economic aspects. The following table provides an in-depth discussion of the challenges in implementing this law:

Aspects	Description
Social Challenges	<ul style="list-style-type: none"><li>• Rejection of affected people, many people resist the acquisition of their land, especially if the compensation</li></ul>

<sup>5</sup> "A. Menurut Undang-Undang Nomor 2 Tahun 2012 Tentang... - Google Scholar," n.d., [https://scholar.google.com/scholar?HI=id&as\\_sdt=0%2C5&q=A.%09Menurut+Undang-Undang+Nomor+2+Tahun+2012+tentang+Pengadaan+Tanah+Bagi+Pembangunan+untuk+Kepentingan+Umu m&btnq=](https://scholar.google.com/scholar?HI=id&as_sdt=0%2C5&q=A.%09Menurut+Undang-Undang+Nomor+2+Tahun+2012+tentang+Pengadaan+Tanah+Bagi+Pembangunan+untuk+Kepentingan+Umu m&btnq=).

<sup>6</sup> Embun Sari et al., "Politik Hukum Pengadaan Tanah Terhadap Tanah Abrasi Pasca Diberlakukan Undang-Undang Cipta Kerja," *Jurnal Ius Constituendum* 7, no. 1 (2022): 50, <https://doi.org/10.26623/jic.v7i1.4390>.

<sup>7</sup> Republik Indonesia [RI]. Presiden, "Peraturan Presiden (PERPRES) Tentang Pengelolaan Taman Mini Indonesia Indah," no. 19 (2021): 1–5.

<sup>8</sup> Edison Rawar and Ruloff Y F Waas, "Analisis Sosio-Yuridis Tentang Pengadaan Tanah Untuk Kepentingan Umum Di Kabupaten Merauke Socio-Juridical Analysis of Procurement of Land for General Interest in Merauke District" 2, no. 2 (2018): 82–100.

<sup>9</sup> Ian Edward Hamonangan Butar Butar et al., "Proses Pengadaan Tanah Untuk Kepentingan Umum Menurut Undang-Undang No. 2 Tahun 2012," *Jurnal Ilmiah Dan Karya Mahasiswa* 1, no. 3 (2023): 236–59, <https://doi.org/10.54066/jikma.v1i3.348>.

offered is deemed inadequate or they do not understand the benefits of the project.

- Lack of Socialization, socialization is often not done inclusively. Many residents feel that they are not adequately informed about the purpose of the project, the compensation mechanism, and the benefits to the wider community.
- Inadequate Compensation, the compensation offered is often lower than the expectations of the community, especially for land without certificates that are only supported by physical evidence of control (girik or village information).

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Legal Challenges

- Land Ownership Status, many lands in Indonesia do not have official certificates or have disputed status. This complicates the land acquisition process as there is no legal certainty over who is entitled to receive compensation.
- Overlapping Land Rights, there are often multiple claims to a single parcel of land, either between individuals or between individuals and government agencies. This slows down the procurement process and triggers conflict.

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Administrative and Technical Challenges

- Long Bureaucratic Processes, the stages of land acquisition, from planning to implementation, involve many agencies and complicated administrative processes. This extends the implementation time.
- Lack of Capacity of Implementing Agencies, defense agencies implementing land acquisition often lack the human resources and budget to handle the land acquisition process quickly and efficiently.
- Inaccurate Land Data and Mapping, land data and maps are often inaccurate or outdated, making it difficult to identify and measure the land to be acquired.

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Economic Challenges

- Discrepancy between Compensation Value and Market Price, land price assessments by the appraisal team often do not match market prices or residents' expectations, especially for land that has high strategic value.
- Economic Burden for Affected Residents, many affected

residents lost their livelihoods due to the relocation, especially for those who had small businesses on the acquired land.

The implementation of Law No. 2/2012 faces major challenges covering social, legal, administrative and economic aspects. However, with an inclusive, transparent and participatory approach, these challenges can be overcome. The government should prioritize good communication with affected people, ensure fairness in compensation, and accelerate the settlement of land disputes to support the success of infrastructure development projects.<sup>10</sup>

### **Land Acquisition Process on Manyar Highway**

Gresik Regency is one of the fastest growing regions in East Java Province, focusing on infrastructure and industrial development. The Manyar highway widening project is a strategic project that aims to increase the capacity of transportation infrastructure in a region that continues to grow as an industrial and trade center. The project is in line with the need to address congestion and support economic growth in the region. However, the land acquisition process for this road widening faces various challenges and obstacles, mainly due to the large amount of uncertified land. Land owned for generations by communities is often not officially registered with the National Land Agency (BPN), complicating the land acquisition process in the region.<sup>11</sup> The people who control the land physically have rights to the land based on their control over the years, but the absence of certificates means that their rights are not legally recognized. The main stages in the land acquisition process for Manyar - Gresik Highway are:

- a. Planning Stage : The Gresik District Government prepared a planning document that included land requirements, project location, and estimated acquisition costs. The project in Manyar is designed to increase the capacity of roads that are often congested, with a focus on areas of dense economic activity. However, identification of affected land was constrained by the status of the land, most of which was not certified.
- b. Preparation Stage : Socialization to affected communities to provide an understanding of the benefits of the project and location determination by the local government through public consultation. The local government, in this case the Gresik District Public Works Office, conducted a field survey to map the area that will be affected by the road widening project. This location determination became the basis for all subsequent processes, including land ownership verification and compensation assessment.<sup>12</sup> However, the determination of locations often faces

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<sup>10</sup> Nabitatus Saádah Dody W. Leonard Silalahi, "Tinjauan Yuridis Eksekusi Pembebasan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *RechtIdee* 18, no. 1 (2023).

<sup>11</sup> Maslon Hutabalian, "Tinjauan Hukum Perdata Terhadap Kebijakan Konsinyasi Berdasarkan Undang-Undang RI Nomor 2 Tahun 2012 Tentang Kewenangan Negara Terhadap Pengadaan Tanah Untuk Kepentingan Umum," *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (2022): 548–58, <https://doi.org/10.23887/jkh.v8i2.51743>.

<sup>12</sup> PP Nomor 22 Tahun 2021, "Peraturan Pemerintah Nomor 22 Tahun 2021 Tentang Pedoman Perlindungan Dan

obstacles; uneven socialization causes some residents to feel uninvolved and some residents are reluctant to agree to the project due to unclear compensation values. In addition, the lack of clarity regarding land ownership status causes delays in the verification process, as the government must ensure that the land to be acquired is actually owned by the legitimate party.<sup>13</sup>

- c. Implementation Phase : The procurement process is conducted by the National Land Agency (BPN) to determine the compensation value and provide compensation. Verification of ownership status is also carried out at this stage. The government should work with the National Land Agency (BPN) and other relevant agencies to conduct a thorough verification of land ownership.<sup>14</sup> The verification process involves collecting evidence of physical control, testimonies from the local community, and other supporting documents such as a history of land and building tax (PBB) payments. However, this process also often faces obstacles as land valuation is often considered not in line with market prices by affected people and land without certificates is only recognized based on proof of tenure, leading to dissatisfaction with the value of compensation provided.
- d. Results Submission Stage : The acquired land is handed over to the government or contractors to start construction. However, this process is hampered by residents who refuse to leave their land due to disputes over compensation. Therefore, negotiations over compensation are necessary to resolve tensions and smoothen the handover process. In the case of the Manyar Highway widening, many communities felt that the compensation offered by the government was not comparable to the market value of their land. In addition, communities were often not given adequate explanations about the basis of the land valuation conducted by the government, leading to dissatisfaction and potential conflict.

The government needs to take a more participatory approach in this negotiation process. Involving communities from the outset, providing explanations of the basis for land valuation, and opening up constructive dialogue can help reduce dissatisfaction and potential conflict. In addition, it is important for the government to ensure that the compensation process is fair, transparent and timely.<sup>15</sup>

In many cases, dissatisfaction with compensation has led to residents being reluctant to move from their land, even if an agreement has been reached. To address this issue, the government needs to take the aspirations and grievances of the community seriously. This can

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Pengelolaan Lingkungan Hidup," *Sekretariat Negara Republik Indonesia* 1, no. 078487A (2021): 1–483.

<sup>13</sup> Kementerian PUPR. 2019. Buku Informasi Statistik Infrastruktur Pekerjaan Umum Dan and Perumahan Rakyat 2019. Jakarta: Kementerian PUPR RI, " *Nuevos Sistemas de Comunicación e Información*, 2021, 2013–15.

<sup>14</sup> Milawati Papatungan, Nur M Kasim, and Sri Nanang M Kamba, "Pemberian Ganti Rugi Dalam Pengadaan Tanah Akibat Pembangunan Bendungan Waduk: Kasus Di Kabupaten Bolaang Mongondow," *Hukum Inovatif: Jurnal Ilmu Hukum Sosial Dan Humaniora* 1, no. 2 (2024): 22–33.

<sup>15</sup> Kementerian PUPR. 2019. Buku Informasi Statistik Infrastruktur Pekerjaan Umum Dan and Perumahan Rakyat 2019. Jakarta: Kementerian PUPR RI, " *Nuevos Sistemas de Comunicación e Información*, 2021, 2013–15.

be done by strengthening communication between the government and the community and providing an effective mediation mechanism to resolve problems that arise.<sup>16</sup>

The comparative case that occurred in another region is the Road Widening Project in Yogyakarta. The road widening project in Kaliurang, Yogyakarta faced similar problems related to land acquisition without certificates. The local government managed to reduce the conflict with the following steps, Participatory Approach, the government involves residents in decision-making through open consultations; Equal Compensation, all residents, whether they have land titles or not, receive compensation based on land value evaluation by an independent team; Relocation Facilities, provision of relocation land with access to public facilities such as schools and markets.

Based on the above case, some strategic recommendations that can be applied to the widening of Manyar Highway are:

Step	Recommendation	Implementation
Inclusive Socialization	Socialization should include all affected people, whether they have formal titles or not, and provide clear information about the project's objectives, benefits, and rights. Dissemination of information through various channels such as community forums, official announcements, and social media.	Local governments can engage community leaders to bridge communication with residents. In addition, hold regular meetings at the project site to discuss progress and hear residents' input.
Fair and Transparent Compensation	Set compensation standards based on the market value of the land, not the certificate status.	Involve independent parties such as land appraisal and announce the evaluation results openly to the public.
Relocation Alternative	Provide replacement land or temporary housing for affected residents.	Per the government is working with property developers to provide low-cost housing or rusunawa (simple rental flats).

<sup>16</sup> Adhe Novita Sari et al., "The Impact of Village Funds on Village Electrification in Indonesia Pendidikan , Kesehatan , Dan Kemiskinan ( Studi Tentang Efek Pendidikan Terhadap Kesehatan Dan Kemiskinan Di Indonesia ) Disparitas Penetapan Perwalian Ayah Terhadap Anak Kandung Pada Pengadilan Agama Kota Medan Optimalisasi Manajemen Sumber Daya Manusia Pada Pegawai Negeri Sipil Praktik Terbaik Dan Tantangan Konsep Pertanggungjawaban Penggunaan Dana Penjaminan Pemulihan Lingkungan Hidup Oleh Pemerintah Dan Pelaku Usaha Dan / Atau Kegiatan," 2023.



Legal Administrative Strengthening	and	Provide legal assistance to residents to apply for land certificates or other recognition documents.	Open integrated services such as "land certification posts" in affected locations.
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Overall, the implementation of these recommendations is expected to create solutions that are equitable and sustainable for all parties.

### Permasalahan Proses Pembebasan Lahan Di Manyar

The Manyar Highway widening project in Gresik Regency is one of the government's efforts to overcome traffic congestion, improve regional connectivity, and support growing economic activity. However, the implementation of this project faces various problems, especially in the land acquisition process. The main problem in the land acquisition process is the uncertainty of land ownership status, where most of the land affected by the project does not have an official certificate, but only in the form of girik, petok D, or land certificate from the village.<sup>17</sup> This means that the government must conduct in-depth verification and listen to the various claims made by communities, before reaching an agreement on the compensation to be provided. This process often takes a long time, and in some cases, mediation is unsuccessful and disputes must be resolved through legal channels.<sup>18</sup> This slows down the process of identifying the rightful landowner and multiple claims on a particular piece of land lengthen the resolution time. The ownership verification process is complicated and time-consuming as it involves various parties, such as neighbors, community leaders, and those familiar with the history of land tenure.<sup>19</sup>

Uncertified land creates the potential for land ownership disputes. When multiple parties claim rights to the same land, the verification process becomes more complex.<sup>20</sup> Communities that have strong physical evidence of tenure are often involved in legal disputes with other parties who also claim rights to the land. In these cases, the mediation process

<sup>17</sup> Kementerian Agraria dan Tata Ruang/ Badan Pertanahan Nasional ATR/BPN, "Peraturan Menteri Agraria Dan Tata Ruang/ Kepala Badan Pertanahan Nasional Tentang Pertimbangan Teknis Pertanahan," no. 3 (2021): 3–5.

<sup>18</sup> I Syaroni and T. Widyaningrum, "Peningkatan Efektivitas Penyelesaian Sengketa Administrasi Negara Melalui Pendekatan Alternatif," *Wacana Paramarta: Jurnal Ilmu Hukum* 23, no. 1 (2024): 80–92.

<sup>19</sup> budi Purwatiningsih, "Optimalisasi Penanggulangan Konflik Sosial Guna Mendukung Pemilu Damai 2024 Dalam Rangka Memelihara Kamtibmas," *Jurnal Sanyata Sumanasa Wira* 1, no. 1 (2023): 63–70.

<sup>20</sup> Abdul Mutalib Saranani, "Tinjauan Hukum Tentang Pembuktian Sertifikat Dalam Penyelesaian Sengketa Tanah," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 1, no. 3 (2022): 173–84, <https://doi.org/10.54443/sibatik.v1i3.24>.

offered by the government is often inadequate, and many cases must be resolved through the courts.

Inadequate compensation is also an obstacle to land acquisition, because many residents consider that the compensation offered by the government is lower than the market price of land in strategic locations and land without certificates is often valued lower, so residents feel disadvantaged.<sup>21</sup> This happens because uncertified land usually does not have a clear reference price in the market, so the valuation process must be carried out by considering various factors, including the physical condition of the land, location, and future development potential. As a result, people refuse to surrender their land, delaying the project and creating conflicts that are difficult to resolve, even leading in some cases to mass protests or lawsuits. People's lack of understanding of their legal rights is often a barrier in the land acquisition process. Many landowners are unaware that they have the right to fair compensation, or they are unaware of the procedures to follow in the event of a dispute. Better education and socialization on land ownership rights and the land acquisition process is needed to increase legal awareness among communities.<sup>22</sup>

In addition, administrative and technical issues are also an obstacle in land acquisition, the administrative process of land acquisition takes a long time because it involves many agencies such as local government, BPN, and appraisal teams. The land data used is often inaccurate or has not been updated, causing errors in the identification of affected land. In addition, the large amount of uncertified land is also a cause of the lengthy land acquisition process. People often assume that the land registration process is complicated and costly, so they choose not to register their land even though they know the benefits and importance of land certificates.<sup>23</sup> When there is a dispute over ownership or compensation value, the courts often take a long time to render a decision. Meanwhile, infrastructure development projects awaiting such legal decisions are forced to be delayed. These delays not only impact development projects, but can also disrupt government plans and budgets.<sup>24</sup>

Another constraint is the lack of effective socialization, information related to the project, its objectives, benefits, residents' rights, and compensation mechanisms are often not equally conveyed to affected residents and some residents feel excluded from the planning and decision-making process. This increases people's resistance to the project and makes the mediation process between the government and people difficult. This inadequate socialization often leads to communities feeling disadvantaged by the land acquisition process, as they do not fully understand the mechanisms stipulated in the law.

Residents' rejection of relocation is also an obstacle in the land acquisition process in

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<sup>21</sup> Andriawan Kusuma, "Ganti Rugi Tanah Sisa Pada Pembangunan Jalan Tol Bakauheni-Terbanggi Besar; Akibat Hukum Dan Konflik Pertanahan," *Cepalo* 3, no. 1 (2019): 41, <https://doi.org/10.25041/cepalo.v3no1.1785>.

<sup>22</sup> Yazid Bustomi, "Politik Hukum Putusan MK No. 46/PUU-VIII/2010 Sebagai Upaya Pembangunan Hukum Nasional," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 3, no. 1 (2023): 9–20, <https://doi.org/10.35912/jihham.v3i1.1795>.

<sup>23</sup> Fitria Yuseva Rosmidah, Indriya Fahtni and Issn Online, "Pendaftaran Tanah Dalam Rangka Kepastian Hukum Hak Atas Tanah Di Kota Jambi" 4, no. 2 (2023): 273–85.

<sup>24</sup> Annisa Berliani et al., "Kepentingan Umum Di Indonesia Dalam Perspektif" 7, no. 1 (2024): 253–71.

Manyar, because residents who live on the affected land are reluctant to be moved because the location is their residence and source of livelihood. Relocation alternatives offered are often not in accordance with the needs of residents, both in terms of location and facilities. So that residents choose to stay at the location even though the project has started, which then hampers the implementation of construction. The following is a summary of the research results in tabular form:

Aspects	Findings	Analysis
Land Ownership	75% of affected residents do not have land certificates, only girik or customary certificates.	Land legality is a major obstacle to fair compensation.
Compensation	Residents without certificates receive lower compensation than certified owners.	This injustice led to social conflict and protests against the government.
Socialization	Socialization was limited to residents' representatives.	Many residents felt uninformed about the process and their rights.
Social - Economic Impact	Loss of shelter and income for small traders in the affected Sites.	The lack of relocation and compensation alternatives has resulted in a decline in the welfare of affected residents.

### Penyelesaian Pembebasan Tanah

Efforts made by the local government in solving the problem of land acquisition are by providing compensation money for the value of land that has an area of 797 m<sup>2</sup> with a value of Rp 4.8 billion. The land area of 797 m<sup>2</sup> is not all residents get compensation but for the traders given facilities from the village government in the form of food courts. As for the rules of law that state that providing compensation for residents who do not have valid certificates for the land they occupy, but have the right to compensation based on the principles of justice and humanity, is regulated in applicable laws and regulations, such as Law Number 2 of 2012 concerning Land Acquisition for the Public Interest.<sup>25</sup> The law states that even if a person does not have a certificate or formal legal document for the land they control, they are still entitled to reasonable compensation if the land is to be used for public purposes, as long as it can be proven that they physically control and utilize the land.

<sup>25</sup> Eric Henry Supit, Roosje Lasut, and Atie Olii, "Pengadaan Tanah Untuk Kepentingan Umum Berdasarkan Undang-Undang No. 2 Tahun 2012 Tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *Lex Administratum* IX, no. 4 (2021): 70–77.

Furthermore, local governments also conduct verification and identification of the land to be compensated, by involving competent verification institutions or teams, such as the National Land Agency (BPN) or special teams formed by local governments. This process aims to ensure that the people entitled to compensation are those who actually have a claim to the land, even if they do not have complete documents. One of the legal bases that regulates this is Government Regulation No. 19 of 2021 on the Implementation of Land Acquisition for the Public Interest, which states that land that is not certified but is actually controlled by someone, is still entitled to compensation, as long as it can be proven that they physically control and utilize the land for a certain period of time.<sup>26</sup>

The government ensures that the land acquisition and compensation process is transparent, fair and without discrimination. This is important to avoid disputes or dissatisfaction among aggrieved residents. Village governments or authorities provide clear and open explanations to residents about the legal basis and applicable procedures, and ensure that replacement facilities such as food courts for traders can provide sufficient benefits to those affected.

Thus, despite challenges with land legality, the government's move to provide compensation and replacement facilities ultimately resolved the issue in a way that was fair and considered the interests of all parties involved.

## **CONCLUSIONS**

The land acquisition process for the widening of Manyar Highway in Gresik Regency is a major challenge that requires serious attention from the government and all relevant parties. The main problems faced, such as the uncertainty of land ownership status due to the large amount of land without certificates, the compensation value that is considered inadequate, and the lack of inclusive socialization, have created resistance from the affected communities. Even though the land affected by evictions due to the road widening project does not have official certificates, people who physically control the land are still entitled to fair compensation, in accordance with the principles of justice and humanity stipulated in Law No. 2/2012 on Land Acquisition for Public Interest. The road widening aims to improve and support economic growth and infrastructure, but obstacles in land acquisition have the potential to delay its implementation. To address these issues, a more inclusive approach is needed, such as the provision of land titling programs for affected residents, transparent and fair compensation assessments, and better communication with communities through comprehensive socialization and open dialogue. Lessons from similar projects show that support in the form of adequate relocation, economic assistance, and prompt and fair mediation can help resolve land acquisition conflicts more effectively. Efforts made by the local

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<sup>26</sup> Ade Millatus Sa'adiyyah, "Tinjauan Yuridis Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Dalam Mewujudkan Negara Kesejahteraan Berdasarkan Undang-Undang Nomor 2 Tahun 2012," *Pro Patria: Jurnal Pendidikan, Kewarganegaraan, Hukum, Sosial, Dan Politik* 6, no. 1 (2023): 102–18, <https://doi.org/10.47080/propatria.v6i1.2341>.

government in overcoming land acquisition issues in addition to providing compensation for the value of the 797 m<sup>2</sup> land with a value of Rp 4.8 billion, also provided food court facilities for affected traders to ensure that they can still do business after land acquisition is carried out. With good collaboration between the government, community, and other stakeholders, the Manyar Highway widening project can be completed on time, provide significant benefits, and create social justice for all affected parties.

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