

**Original Article****LAW NO. 11 OF 2020 ALLOWS LAND ACQUISITION FOR PUBLIC INTEREST IN SUBSIDIZED HOUSING BUSINESSES FOR LOW-INCOME COMMUNITIES****Saiful Munir^{1)*}, Subekti²⁾, Yoyok UcuK Suyono²⁾, Ernu Widodo²⁾**¹⁾ University of Dr. Soetomo, Indonesia²⁾ Faculty of Law, University of Dr. Soetomo, Indonesia

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ABSTRACT

Background. The development of land acquisition in Indonesia is influenced by various factors including the government system, leadership system, development performance plan, development orientation direction, and legislation enacted. As an important element in the life of living things, land is the surface of the earth that is organized and managed nationally. This research purpose was to analyze the land acquisition for public interests for low-income communities in the subsidized housing business based on law No. 11 of 2020.

Research Method. This research uses a type of legal research that is normative in nature (normative legal research), this research leans towards the Law Approach and Conceptual Approach. As well as Legal Materials that researchers use are Sources of legal materials that are primary, tertiary, and secondary commonly used in research with a normative nature.

Findings. The state is responsible for protecting the entire Indonesian nation through the organization of housing and settlement areas so that people can live and inhabit decent and affordable homes in a healthy, safe, harmonious, and sustainable environment throughout Indonesia. As one of the basic human needs, ideally, a house should be owned by every family, especially for people with low income and for people who live in densely populated areas in urban areas.

Conclusion. To provide adequate, cheap housing for everyone, especially low-income families and those living in highly packed urban areas, the state is responsible for organizing housing and settlement areas and safeguarding Indonesia.

Keywords: Land Acquisition, Low-Income Community, Public Interest.

BACKGROUND

As an important element in the life of living creatures, land is the surface of the earth which is regulated and managed nationally[1]. This is an implementation of the constitutional mandate and the system of national and state life so that it is hoped that development goals can be achieved and the existence of land can be realized as a source of great potential for people's prosperity in terms of utilization, control, use of land and ownership, as well as environmental conservation. Regulations regarding the function and use of land have been regulated in the Basic Agrarian Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations covering land, water, and natural resources, which became known as UUPA[2].

The land itself has a very important meaning for every individual's life in society because it has a very close relationship with the existence of every individual human in the environment and their survival. Considering the importance of land for human or individual life above, the provisions for land registration in Indonesia are regulated in Article 19 of the UUPA. Then it was implemented with Government Regulation Number 10 of 1961 (hereinafter

abbreviated to PP 10/1961), which came into effect on March 23, 1961, and in 1997, it became effective from October 8, 1997. As an implementing regulation of PP 24/1997, then a Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 (PMNA/Ka.BPN No. 3/1997) has also been issued regarding implementing provisions of Government Regulation Number 24 of 1997 concerning Land Registration.

The Government Regulation mentioned above is a form of implementing land registration within the framework of the Kadaster Rechts which has the aim of guaranteeing legal order and capacity for land rights also known as legal certainty, as well as providing legal protection for people or holders of land rights, which at the end of the registration process evidence is produced in the form of a land book and land certificate consisting of a copy of the Land Book and Measurement Letter. It is stated in Article 19 Paragraph (1) of the UUPA, that to guarantee legal certainty regarding land rights, the Government is required by the UUPA to carry out land registration throughout the territory of the Republic of Indonesia and this is regulated by a Government Regulation.

The implementation of national development activities by agencies and private companies to build buildings, agriculture, fisheries, animal husbandry, and plantations requires land. The land needed by agencies and private companies can come from state land, customary land, or private land[3]. Acquisition of land originating from private land for the benefit of private agencies and companies is achieved through land acquisition. Acquisition of land can be achieved through relinquishing land rights or transferring land rights. Based on its importance, land acquisition is divided into 2 (two) types, which is: a) Procurement of land for public purposes: The party that needs land in land procurement for public purposes is the agency; b) Land procurement for the benefit of a private company: The party that needs land in land procurement for the benefit of a private company is a private company in the form of a Limited Liability Company.

The definition of land acquisition was originally stated in Article 1 number 1 of the Presidential Decree of the Republic of Indonesia Number 55 of 1993, namely any activity to acquire land by providing compensation to those entitled to the land. Furthermore, the meaning of land acquisition has changed in Article 1 point 3 of the Presidential Regulation of the Republic of Indonesia Number 36 of 2005, namely activities to acquire land by providing compensation to those who release or hand over land, buildings, plants, and objects related to land or with the revocation of land rights. The definition of Land Acquisition in Article 1 number 3 of the Presidential Regulation of the Republic of Indonesia Number 36 of 2005 is amended by Article 1 number 3 of the Presidential Regulation of the Republic of Indonesia Number 65 of 2006, namely activities to acquire land by providing compensation to those who release or hand over land, buildings, plants, and objects related to the land [4]. Article 1 number 2 of the Presidential Regulation of the Republic of Indonesia Number 71 of 2012 as amended by Article 1 number 2 of the Presidential Regulation of the Republic of Indonesia Number 148 of 2015 provides an understanding of land acquisition, namely the activity of providing land by providing adequate and fair compensation to the entitled parties.

Since the enactment of the Presidential Decree of the Republic of Indonesia Number 55 of 1993, land acquisition for public purposes or the interests of private companies has not been achieved through land acquisition mechanisms, but rather through land acquisition. Based on the area of land required, there are 2 (two) types of land acquisition for public purposes, which is a) Land procurement for public purposes: namely land procurement for public purposes, where the land area required by the agency requiring land is more than 5 (five)

hectares; b) Small-scale procurement: namely land procurement for public purposes, where the land area required by the agency requiring land is no more than 5 (five) hectares.

According to Urip Santoso himself, the definition of land procurement for public purposes is the activity of providing land for public purposes by agencies that require land by and based on the Regional Spatial Plan that has been determined by providing appropriate and fair compensation to parties entitled to the land. buildings, plants, and/or other objects related to land [5]. As for the provision of subsidized housing by agencies, it must go through certain stages which of course refer to legal provisions. applicable. This is because there is still fraud in the field in the procurement of subsidized housing.

As an anticipation to avoid potential fraud in obtaining ownership rights to subsidized housing by interested agencies. So that the aim of building subsidized housing can be right on target, namely intended for people with low incomes. In this way, national development goals can be implemented and realized, to provide a decent life for the community, create just and equitable community prosperity, as well as to improve the welfare of the community. Based on the explanation and description of the background above, the researchers are interested in conducting research related to this problem and the responsibilities of the Regional Government in providing land for the construction of housing for Low-Income Communities based on Law Number 01 of 2011 concerning Housing and Settlement Areas and Second, what are the rights and Obligations of Low-Income Communities (abbreviated as MBR) in obtaining housing.

RESEARCH METHOD

This research uses a type of legal research that is normative in nature (normative legal research), meaning the type of research that examines legal rules. Some of them include laws or other regulations under them, as well as legal principles and doctrines that are related to the content of the law being studied by researchers. The approaches used include the conceptual approach, comparative approach, historical approach, case approach, and statutory approach.

Normative legal research in its characteristics does not recognize the term data. In practice, to find solutions to problems regarding legal issues and provide prescriptions about what is appropriate, research sources are needed. Legal material sources are another term for the research sources in question. Primary, tertiary, and secondary sources of legal materials are commonly used in research with a normative nature.

The source of primary legal material used by the author is regulations under the law and the law itself which relates to the object of research: a) The 1945 Constitution of the Republic of Indonesia; b) Basic Agrarian Law Number 5 of 1960 (UUPA); c) Law Number 11 of 2020 concerning Job Creation; d) Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest; e) Law Number 1 of 2011 concerning Housing and Settlement Areas; and the most important secondary basic materials used are journals that discuss law, dissertations on law, theses on law, and law books. Tertiary legal materials are legal materials that support secondary or primary legal materials by being explanatory or complementary. Examples of tertiary legal materials are lexicons, encyclopedias, legal dictionaries, and others[6-11].

The researchers collect legal materials by identifying existing legal materials. Apart from that, the author also explores information related to the legal issues studied in the research. Based on all the information and legal materials that have been collected, a classification process is carried out and legal material sources are selected that are deemed appropriate to

the research and relevant or have a high level of relevance to the research. Apart from that, the legal material chosen must be in line with the information on the topic discussed, namely in this research regarding Land Acquisition for Subsidized Housing Business Purposes.

After carrying out an analysis of the legal materials that have previously been collected and classified for this normative research, processing, and analysis are then carried out on all legal materials that have passed the classification. Processing and analysis are carried out by reviewing the legal material, understanding, researching, and finding out the truth. After that, the writer can start the process of analysis and description or depiction before merging. After this step, the writer can start interpreting or interpreting by taking opinions from each source of legal material that has been classified. It is hoped that this process will provide appropriate explanation and analysis.

After that, a conclusion is drawn and applied or implemented from that conclusion into an argument. This is done to obtain the correct and appropriate sentence structure based on the information and legal materials that have been classified. Therefore, the author can come up with problem formulations, as well as timely, systematic, and logical answers related to the legal issue being researched[12].

FINDINGS

Land Acquisition for Construction of Subsidized Houses

Limited land, most of which is controlled by developers, means land prices are increasingly skyrocketing in strategic locations, making house prices increasingly unaffordable for low-income communities. Construction of houses for low-income communities that comply with the Government's price limit provisions is located far from cities and workplaces, on the other hand, the closer to the city center, the higher the land value. Government intervention is needed to provide land for low-income communities houses close to activities. The government can carry out land acquisition activities for development in the public interest, namely the arrangement of urban slum settlements and/or land consolidation, as well as housing for low-income communities with rental status.

1. Law No. 1/2011 concerning Housing and Settlement Areas

- a) The provincial government has the authority to coordinate the reservation or provision of land for the construction of housing and settlements for low-income communities at the provincial level;
- b) Regency/city governments have the authority to reserve or provide land for the construction of housing and settlements for low-income communities;
- c) The government or local government assigns and/or forms institutions or agencies that handle housing and settlement development.

2. Law No. 20/2011 concerning Flats

- a) To realize the provision of decent and affordable flats for low-income communities, the Government assigns or forms an Implementing Agency.
- b) To carry out the functions as intended in paragraph (3), the Implementing Body carries out the following tasks: Facilitate the provision of land for the construction of public flats and special flats.

3. Presidential Decree no. 71/2012 concerning Implementation of Land Acquisition for development in the Public Interest. Every agency that requires land for development in the public interest makes a land acquisition plan based on: a. Spatial plans; b. Development

priorities are listed in 1) the Medium Term Development Plan; 2) the Strategic Plan; and 3) the Work Plan of the Government Agencies concerned.

Housing and settlements are basic human needs, functioning as a place to live or shelter that humans use to protect themselves from weather and other disturbances. This shows the main function and basic function of housing and settlements as a form of fulfilling human needs. Another function of a residence is a place to develop individual life and family life. Housing and settlements should not be seen only as a form of fulfilling life's needs that arise without a process but must be seen as a process of living, in creating living space for society. Thus, houses and settlements have a very strategic role, including in realizing national development which is essentially the development of the complete Indonesian human being.

Based on this point of view, the existence of a residential house standing on a plot of land is very visible. The status of a residence needs to receive strong legal protection, which is essentially legal protection for the plot of land where a residence stands. Legal protection for plots of land for residential homes will then be able to provide peace of mind for residents, especially for people with weak economic levels. The 1945 Constitution of the Republic of Indonesia, Article 27 Paragraph (2) has provided guarantees for every citizen of work and a decent living for humanity. To achieve a decent living, the economic rights of every citizen must be considered, respected, and protected [13].

The 1945 Constitution of the Republic of Indonesia, Article 28H paragraph (1) also states that every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment. (2) Everyone receives special facilities and treatment to obtain the same opportunities and benefits to achieve equality and justice.

Housing has a very strategic role in forming the character and personality of the nation as an effort to develop Indonesian people as a whole, with identity, independence, and productivity so that fulfilling the need for housing is a basic need for every human being, which will continue to exist and develop according to the stages. or human life cycle.

The state is responsible for protecting the entire Indonesian nation through the provision of housing and residential areas so that people can live and live in decent and affordable houses in a healthy, safe, harmonious, and sustainable environment throughout Indonesia. As one of the basic human needs, ideally, a house should be owned by every family, especially for people with low incomes and for people who live in densely populated urban areas.

The state is also responsible for providing and facilitating the acquisition of housing for the community through the management of housing and residential areas as well as community self-sufficiency. Providing and facilitating the acquisition of houses is a functional unity in the form of spatial planning, economic life, and socio-culture which can guarantee environmental sustainability in line with the spirit of democracy, regional autonomy, and openness in the order of social, national, and state life.

The development of housing and residential areas that rely on the community provides the widest possible rights and opportunities for the community to play a role. In line with the role of the community in the development of housing and residential areas, the Government and Regional Government have the responsibility to become facilitators, provide assistance and convenience to the community, as well as carry out research and development covering various related aspects, including spatial planning, land, infrastructure environment, materials and components industry, construction and design services, financing, institutions, human resources, local wisdom, as well as supporting laws and regulations.

With the enactment of Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Settlement Areas. This law creates a firm legal basis relating to housing management based on the principles of welfare, justice and equity, nationality, efficiency and usefulness, affordability and convenience, independence and togetherness, partnership, harmony and balance, integration, health, sustainability and sustainability, safety, comfort and convenience, as well as security, order and regularity. The regulations in this law also show the state's support in meeting the needs of affordable housing for low-income communities as well as community participation in the management of housing and residential areas.

Legal certainty in the administration of housing and residential areas, supporting regional planning and development as well as proportional population distribution through the growth of residential environments and residential areas by spatial planning to create a balance of interests, especially for Low-Income Communities, increasing usability and usability natural resources for housing development while still paying attention to the preservation of environmental functions, both in urban residential environments and rural residential environments, and ensuring the creation of livable and affordable homes in a healthy, safe, harmonious, orderly, planned, integrated and sustainable environment.

Housing provision is carried out to fulfill housing needs as one of the basic human needs for improving and equalizing people's welfare, which includes housing planning, housing construction, housing utilization, and housing control. One of the special things regulated in this law is the state's partiality towards Low-Income Communities. In this regard, the Government and/or Regional Governments are obliged to meet the housing needs of Low-Income Communities by providing land and making it easier to build and acquire houses through a gradual and sustainable housing development planning program. Facilitate the construction and acquisition of houses for Low-Income Communities, by providing convenience in the form of financing, construction of infrastructure, facilities, and public utilities, reduced licensing fees, stimulant assistance, and fiscal incentives. The responsibility of the Government and Regional Governments for the availability of land for the construction of housing and residential areas is regulated in Article 105 and Article 106 of Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Settlement Areas (State Gazette of the Republic of Indonesia Number 7) is a mandatory responsibility carried out by the Government, specifically in this research the Regional Government, namely the Regent/Mayor at the district/city level, which is then regulated in the Government Regulation of the Republic of Indonesia Number 38 of 2007 concerning the Division of Government Affairs between the Government, Provincial Regional Governments, and Regency/City Regional Governments , Among other things related to spatial planning, development planning, housing and land, this is the Government's authority given by these Legislative Regulations to support the Regional Government to organize and take full responsibility for the management of housing and residential areas.

Chairman of the Urban and Settlement Division of the Indonesian Planning Experts Association (IAPI) "The Housing and Settlement Area Law, is based on the responsibility of the Regional Government, but if the Regional Government does not commit to building settlements and spatial planning, then residential areas, especially for low-income people, will not materialized," According to Zulfi Syarif Koto, an observer from Housing and Urban Development (HUD) in its book entitled Politics of People's Development in the Era of Reform, states that the Government, especially the Regional Government, is obliged to give full attention to the provision of land, which is needed for the implementation of housing development, especially for Low Income Communities (MBR). Zulfi said, that in the future, breakthrough thinking should emerge that still refers to law and is based on legal spatial

planning (abbreviated as RTRW), forming regulations that make it easier for low-income communities and below to obtain or access decent housing.

General housing development policies are directed at:

1. fulfill the need for adequate and affordable housing in a healthy and safe environment that is supported by sustainable infrastructure, facilities, and public utilities and that can reflect the lives of people with an Indonesian personality;
2. availability of low-cost, long-term funds to meet the needs of houses, housing, settlements, and urban and rural residential environments;
3. realizing harmonious and balanced housing by spatial planning and land use that is efficient and effective;
4. granting usage rights without sacrificing state sovereignty; and
5. encouraging a foreign investment climate.

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The responsibility of the Government and Regional Governments for the availability of land for the construction of housing and residential areas is regulated in Article 105 and Article 106 of Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Settlement Areas (State Gazette of the Republic of Indonesia Number 7). Article 105 paragraph (1) is a responsibility that must be carried out by the Government, especially in this research, the Regional Government, namely the Regent/Mayor at the district/city level, which is then regulated in the Government Regulation of the Republic of Indonesia Number

38 of 2007 concerning the Division of Government Affairs Between Government, Provincial Regional Government, and Regency/City Regional Government in Article 7 paragraph (2), among other things related to spatial planning, development planning, housing and land, this is the Government's authority given by these Legislative Regulations to support the Regional Government to be able to organize and take full responsibility for the management of housing and residential areas.

According to Hari Ganie, Chair of the Urban and Settlement Division of the Expert Association Indonesian Planning (IAPI) "In the Housing and Residential Areas Law, settlements are based on the responsibility of the Regional Government, but if the Regional Government does not commit to building settlements and spatial planning, then residential areas, especially for low-income people, will not be realized," told journalists in Jakarta, Thursday[14].

DISCUSSIONS

1. Regional Government Responsibilities in Providing Land for Housing Development for Low-Income Communities (MBR) Based on Law Number 01 of 2011 concerning Housing and Settlement Areas

The state is responsible for protecting the entire Indonesian nation through the provision of housing and residential areas so that people have adequate and affordable housing or housing in a healthy, safe, harmonious, and sustainable environment throughout Indonesia. As one of the basic human needs, ideally, a house should be owned by every family, especially for people with low incomes and for people who live in densely populated urban areas.

The state is also responsible for providing and facilitating the acquisition of housing for the community through the management of housing and residential areas as well as community self-sufficiency. Providing and facilitating the acquisition of houses is a functional unity in the form of spatial planning, economic life, and socio-culture which can guarantee environmental sustainability in line with the spirit of democracy, regional autonomy, and openness in the order of social, national, and state life.

Provisions regarding Housing and Settlements which are currently regulated by Law Number 4 of 1992 concerning Housing and Settlements, are no longer by legal developments, and the need for decent and affordable housing and settlements in a healthy, safe, harmonious, and orderly environment and therefore need to be replaced.

In line with the mandate outlined in the 1945 Constitution of the Republic of Indonesia, the Government has stipulated the enactment of Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Settlement Areas (State Gazette of the Republic of Indonesia Number 7). Legal certainty in the administration of housing and residential areas, supporting regional planning and development as well as proportional population distribution through the growth of residential environments and residential areas by spatial planning to create a balance of interests, especially for Low-Income Communities (MBR), increasing usability and usability natural resources for housing development while still paying attention to the preservation of environmental functions, both in urban residential environments and rural residential environments, and ensuring the creation of livable and affordable homes in a healthy, safe, harmonious, orderly, planned, integrated and sustainable environment.

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this law is the state's partiality towards Low-Income Communities (MBR). In this regard, the Government and/or Regional Governments are obliged to meet the housing needs of Low-Income Communities (MBR) by providing land and making it easier to build and acquire houses through a gradual and sustainable housing development planning program. Facilitate the construction and acquisition of houses for Low-Income Communities (MBR), by providing convenience in the form of financing, construction of infrastructure, facilities, and public utilities, reduced licensing fees, stimulant assistance, and fiscal incentives.

With the rapid development of housing, legislation is needed that can properly regulate the housing development system and residential areas and adapt to developments over time. Therefore, the government in this case issued the Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Settlement Areas. In Law Number 1 of 2011 concerning Housing and Settlement Areas, Article 105 paragraph (1) states that the Government and Regional Governments by their authority are responsible for the availability of land for the construction of housing and residential areas. Paragraph (2) Availability of land as stated referred to in paragraph (1), including its determination in the regional spatial planning plan, is the responsibility of the regional government.

Article 106 states that the provision of land for the construction of houses, housing, and residential areas can be done through a) granting land rights to land directly controlled by the state; b) land consolidation by landowners; c) transfer or release of land rights by the land owner; d) utilization and transfer of state-owned or regional-owned land by statutory provisions; e) utilization of former abandoned state land; and/or f) procurement of land for development in the public interest by statutory provisions.

Land directly controlled by the State which is used for the construction of houses, housing, and/or residential areas is handed over through the granting of land rights to every person who constructs houses, housing, and residential areas. The granting of land rights is based on the decision of the governor or Regent. /Mayor regarding location determination or location permits. Land consolidation can be carried out on land owned by land rights holders and/or on State land cultivated by the community. Land Consolidation is a land policy regarding the restructuring of land control and use as well as land acquisition efforts for development purposes, to improve environmental quality and maintain natural resources by involving active community participation. The land consolidation as intended is carried out based on the following agreement a) Between land rights holders; b) Between cultivators of State land; or c) Between cultivators of State land and holders of land rights.

Land consolidation can be carried out if at least 60% (sixty percent) of the land owners whose land area covers at least 60% (sixty percent) of the total land area to be consolidated express their agreement. In this case, the agreement of at least 60% (60 percent) as intended does not reduce the community's rights by 40% (40 percent) to obtain accessibility. Land consolidation as referred to above, can be carried out for the construction of single houses, row houses, or flats, and the determination of the location for land consolidation is carried out by the regent/ mayor.

In the construction of public houses and independent houses built on consolidated land, the Government is obliged to provide facilities in the form of a) Certification of land rights; b) Determining location; c) Consolidation design; and d) Development of infrastructure, facilities and public utilities.

Certification of land owners resulting from consolidation is not subject to fees for acquiring land and building rights. In this case, there is no fee for acquiring rights to land and buildings because the land owner has donated part of his land rights for Land Donation for Development (abbreviated as STUP) and Land in Replacement for Development Costs

(abbreviated as TPBP), while for certification of those cultivating state land resulting from consolidation, acquisition fees are charged. rights to land and buildings.

Land consolidation can also be carried out through collaboration with legal entities, where cooperation is carried out by legal entities to provide opportunities for State land cultivators or land rights holders to jointly increase the usability and results of land use. Cooperation is carried out based on a written agreement between state land cultivators and/or land rights holders and legal entities with the principle of equality made in the presence of authorized officials.

The transfer or release of land rights is carried out after the legal entity obtains a location permit. The transfer of land rights is made before the land deed is official after there is a mutual agreement. Where Rights or release of land rights must be registered at the Regency/City land office by statutory provisions.

Utilization and transfer of land belonging to the State or Region for the construction of houses, housing, and residential areas for the construction of public houses and/or special houses. What is meant by "utilization" is an effort to make use of land belonging to the State or land belonging to the Region to build public houses and/or special houses.

Utilization of formerly abandoned state land for the construction of houses, housing, and residential areas for the construction of public houses, special houses, and the arrangement of slum settlements. Utilization of formerly abandoned state land is carried out by statutory provisions. In the 1945 Constitution of the Republic of Indonesia, Article 34 states that "(1). The poor and neglected children are cared for by the state." According to Law No. 39 of 1999 concerning Human Rights, Article 9 paragraph (1) states that "Everyone has the right to live, maintain life and improve their standard of living; And in the 1966 Covenant on Economic, Social and Cultural Rights, article 11 states that States Parties to this Covenant recognize the right of every person to a standard of living adequate for himself and his family, including food, clothing and housing, and to the continuous improvement of living conditions[6-11].

So far, the obstacle that has greatly influenced the development of housing for low-income people has been the provision of land. The central government is seen as seeming to shift responsibility to the regions regarding providing land for public housing by taking cover behind Law Number 1 of 2011 concerning Housing and Settlement Areas. With the existence of this law, several parties, such as the Ministry of Public Housing, have placed regional governments as most responsible for procuring land for low-cost housing.

Land acquisition for public housing is considered difficult and expensive because it is still limited to using property business mechanisms. After all, there are various obstacles and high costs in land acquisition and location permits[15]. Therefore, regulatory support and involvement of all stakeholders is needed, in terms of making it easier to provide land for housing development for Low-Income Communities (MBR). The low-cost housing program for low-income communities must be supported by land allocation from the Regional Government or State-Owned Enterprises (abbreviated as BUMN), while the infrastructure and utilities are provided by the Central Government. Support from BUMN itself is realized in terms of utilizing unproductive land belonging to state companies in the BUMN ministry. Moreover, the Central Government, through state-owned companies, has larger land reserves. Moreover, if you include state-owned plantations, forestry, and agricultural land which have already been converted to be used as a location for housing construction for Low-Income Communities (MBR).

Based on Article 11 Paragraph (2) of the Basic Agrarian Law, we know that in principle the land regulation policy is that the government should provide guarantees of protection for the interests of lower economic groups, and classes), which means that by definition most levels of society must always accommodate the interests of the lower class of society so that the interests of the majority of levels of society should be a combination of the interests of the lower class of society (lower class) with upper-class society (upper class), or a combination of the interests of lower class society (lower class) with middle-class society (upper class).

Based on the Central Statistics Agency, the percentage of poor people in Indonesia in 2011 was 12.49%. If this percentage represents the three lowest sub-classes, namely the upper lower class, the lower middle class, and the lower class, and only requires 2 (two) sub-classes out of 9 (nine) sub-classes to fulfill the elements of the majority of these layers of society, However, the problem here is that there is a possibility that 5 (five) of the 9 (nine) sub-classes (including the 3 (three) lowest sub-classes) constitute less than 50% of the total number of Indonesian people, even though the elements of most levels of society are fulfilled. , but from the perspective of justice for many people, of course, this justice is not fulfilled because only less than 50% of society's interests are met.

On the other hand, the issue regarding the concept of justice in Law Number 1 of 2011 is specifically related to Article 105 paragraph (1), whether this article is fair enough for the parties, where the State is responsible for providing and facilitating the acquisition of housing. Aristotle defines justice in a narrow sense, almost like justice in its modern meaning. In this case, justice can be interpreted as equal treatment (equality) and also "according to the law" (lawfulness) [16]. The concept of justice as explained by Aristotle, as well as the concept of (social) justice contained in the 5th principle of Pancasila, is not easy to understand, especially if must be faced with concrete cases.

For Indonesia, by the Pancasila philosophy, it is most appropriate to apply the principles of social justice. Justice itself is universal, deep within everyone's heart, there is an agreement about what is seen as fair and unfair. The definition of Justice is generally defined as "dividing" or distributive justice, which simply states that each person is given their share or rights according to their respective abilities or services and needs. However, it needs to be understood that justice is not a static thing, but a dynamic process that always moves between various factors, including equality or equal rights themselves [17].

2. Low-Income Communities (MBR) in Obtaining Housing

Population growth naturally causes an increase in housing needs. The increasing number of residents will increase the need for residential space in housing, especially for low-income people. Likewise, economic growth has also caused an increase and shift in the need for housing. With an increase in the economy, the use of goods also increases, as well as the function of the house also experiences a shift, starting from just fulfilling physical needs to being a place to store valuable objects and interact socially, to social status and self-actualization.

Low-income people's income levels also severely limit their ability to meet housing needs. This is different if there is a significant increase in income so that it can provide a solution to the need for housing. Housing development should receive full attention because housing is an aspect of Human Rights (HAM). This has been mandated in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and has been stated in various laws and regulations in the country. The 1945 Constitution of the Republic of Indonesia in Article 28H paragraph (1) states that every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to receive health services.

The same thing is also regulated in Article 40 of Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights which states that every person has the right to live and live a decent life. After the ratification of the International Covenant on Socio-economic and Cultural Rights which also regulates more advanced adequate criteria as stated in the General Comment on Article 11 paragraph (1) of the International Covenant on Social-Economic and Cultural Rights concerning the Right to Adequate Housing and has been ratified in Law of the Republic of Indonesia Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights.

Article 11 paragraph (1) states that "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for him and his family, including food, clothing and housing, and to the continuous improvement of living conditions. States Parties will take adequate measures to ensure the realization of this right by recognizing the importance of international cooperation based on voluntary agreements."

From the various legal regulations mentioned above, it is quite clear that freedom of residence for people in Indonesia has been guaranteed in various types of legal regulations. This is the basis for every person to have the right to reside in Indonesia. However, this must of course be in line with the government's program to improve the quality of a good and healthy environment. Deputy Chairman of Commission V DPR Yoseph Umar Hadi said that the Housing and Settlement Law would focus its attention on low-income communities. "This means that almost 50 percent of the articles regulate the extent to which housing procurement is accelerated for small communities who have low incomes," he told Parle, at the DPR Building. The Republic of Indonesia Law Number 1 Concerning Housing and Residential Areas is a very big political agreement. This law mandates something very big for the current government[18].

The background to the formation of this law is that housing is a fundamental issue for everyone's human rights. Therefore, it is the first task of the government to fulfill the welfare of society and is the most important because, for every person or family, the first thing they need is a place to live, only after that can they live the next life, namely education and so on.

By the problem of Fulfilling the Housing Needs of Low-Income Communities, the scope of the substance here must be able to describe the dynamics of housing needs in low-income communities. which is influenced by the existing situation and conditions. Meanwhile, fulfilling the housing needs of low-income people is how low-income people respond to their housing needs. Meanwhile, what is meant by housing needs is human needs for houses, which include: 1) physiological needs (shelter, a place to rest, etc.); 2) security needs (for worship, storing things, etc.); 3) social needs (as a means of social interaction); 4) self-esteem, honor, and ego needs; 5) self-actualization needs.

Law of the Republic of Indonesia Number 1 of 2011 Article 1 number 24 concerning Housing and Settlement Areas, states that: "Low-Income Communities, hereinafter abbreviated as MBR, are people who have limited purchasing power and therefore need government support to obtain a house".

According to Lewis (1984 in Suparlan) low-income communities are groups of people who have experienced economic, social, cultural, and political pressure for quite a long time, resulting in a culture called poor culture[19]. These low-income people are trapped in their poor culture, so they can no longer see their potential.

Meanwhile, according to the Asian Development Bank (ADB), low-income people are people who do not have access to the process of making decisions regarding their lives. Socially, they are excluded from social institutions. Economically, this can be seen from the

low quality of human resources, which causes their income levels to be low. Culturally and in terms of values, they are trapped in a low work ethic, short-sighted thinking, and fatalism. And their access to environmental facilities is very low[20].

In Law Number 1 of 2011 concerning Housing and Settlement Areas, it is emphasized that the implementation of housing and settlements is based on the principles of welfare, justice and equality, nationality, efficiency and usefulness, affordability and convenience, independence and togetherness, partnership, harmony and balance, integration, health, sustainability and sustainability, safety, security, order, and regularity. In terms of obtaining low-income housing, it must be based on:

- a. The principle of welfare is that people get decent and healthy housing and residential areas so that people can develop themselves and carry out social functions.
- b. The principle of justice and equity in which the results of development in the field of housing and settlements can be enjoyed equally and fairly for all Indonesian people.
- c. The principle of benefit in the construction of housing and residential areas must provide full benefits and advantages for low-income people so that they can support the need for adequate housing[3].

The government's role in housing procurement can be divided into two things, First, as a national policy maker and housing procurement program, and second, the government's role in implementing housing procurement for Low-Income Communities (MBR). In this case, there are two roles that the government can play, namely as an enabler or as a provider. When the government acts as a home producer (provider), the government is the person responsible and decision maker. Starting from the stages of preparing the implementation organization, procuring funds, procuring land, making site plans, preparing land, making building designs, processing permits, to implementing development. In carrying out the physical construction of houses, the government can do it or ask for help from second parties. These parties include planners, construction management, contractors, and various other experts. The final result is a finished product in the form of houses for sale or rent to the public. In this system, the community is not involved at all in the housing procurement process, so the possibility of discrepancies arising between the houses produced and their residents is quite large[21].

CONCLUSION

Land acquisition for public interest faces challenges in the procurement process due to legal culture, poor governance, and disputes. This affects infrastructure, development, housing, and settlement areas. Some Indonesians view land as sacred, while others view it as investment and speculation. Despite these challenges, procurement land should be objective, competent, and executed by competent parties.

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