
Legal Protection of Land Rights in the Land Acquisition Process in Pohuwato Regency

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ABSTRACT

This study analyzes the legal protection of land ownership rights and the factors hindering the fulfillment of land compensation in the land acquisition process for the construction of the Randangan Dam in Pohuwato Regency. The research is grounded in the complex dynamics of land acquisition for public purposes within agrarian-based communities, where land tenure status, socio-cultural values, and administrative limitations significantly influence development outcomes. Employing agrarian law theory, legal protection theory, and public policy implementation theory, this study examines the extent to which the State ensures legal certainty for landowners, the effectiveness of compensation mechanisms, and the role of socio-cultural factors in policy implementation. The research focuses on two main issues: (1) the forms of legal protection provided to landowners during the land acquisition process; and (2) the obstacles affecting the distribution of compensation to impacted communities. The findings indicate that legal protection has been formally implemented through constitutional guarantees of land rights, land appraisal and verification procedures, administrative dispute resolution mechanisms, and access to legal remedies. Nevertheless, substantial barriers remain, including unclear land ownership status, weak administrative documentation, valuation disagreements, socio-cultural resistance, inheritance-related disputes, and limited institutional coordination. These challenges demonstrate that, although normative legal protection exists, its practical realization at the community level remains suboptimal. The study contributes theoretically to the development of agrarian law and land acquisition discourse and offers practical insights for policymakers, local governments, and stakeholders in strengthening land acquisition governance for future public infrastructure projects.

Keywords: Legal Protection, Land Acquisition, Land Ownership Rights, Randangan Dam, Public Interest Development.

ABSTRAK

Penelitian ini menganalisis perlindungan hukum terhadap hak kepemilikan tanah serta faktor-faktor yang menghambat pemenuhan ganti kerugian dalam proses pengadaan tanah untuk pembangunan Bendungan Randangan di Kabupaten Pohuwato. Penelitian ini berangkat dari kompleksitas pengadaan tanah untuk kepentingan umum dalam masyarakat berbasis agraris, di mana status penguasaan tanah, nilai-nilai sosial budaya, dan keterbatasan administratif sangat memengaruhi keberhasilan pembangunan. Dengan menggunakan teori hukum agraria, teori perlindungan hukum, dan teori implementasi kebijakan publik, penelitian ini mengkaji sejauh mana negara menjamin kepastian hukum

bagi pemilik tanah, efektivitas mekanisme ganti kerugian, serta peran faktor sosial budaya dalam pelaksanaan kebijakan. Fokus penelitian ini meliputi dua aspek utama, yaitu: (1) bentuk-bentuk perlindungan hukum bagi pemilik tanah dalam proses pengadaan tanah; dan (2) hambatan yang memengaruhi penyaluran ganti kerugian kepada masyarakat terdampak. Hasil penelitian menunjukkan bahwa perlindungan hukum secara normatif telah dilaksanakan melalui jaminan konstitusional atas hak atas tanah, prosedur penilaian dan verifikasi tanah, mekanisme penyelesaian sengketa administratif, serta akses terhadap upaya hukum. Namun demikian, masih ditemukan berbagai kendala signifikan, antara lain ketidakjelasan status kepemilikan tanah, lemahnya administrasi pertanahan, perbedaan penilaian ganti kerugian, resistensi sosial budaya, konflik waris dalam keluarga, serta lemahnya koordinasi antarinstansi. Kondisi ini menunjukkan bahwa perlindungan hukum belum sepenuhnya terwujud secara optimal pada tataran implementasi di tingkat masyarakat. Penelitian ini diharapkan memberikan kontribusi teoretis bagi pengembangan hukum agraria dan studi pengadaan tanah, serta manfaat praktis bagi pembuat kebijakan, pemerintah daerah, dan masyarakat dalam memperbaiki tata kelola pengadaan tanah di masa mendatang.

Kata Kunci: Perlindungan Hukum, Pengadaan Tanah, Hak Kepemilikan Tanah, Bendungan Randangan, Kepentingan Umum.

INTRODUCTION

Land for the Indonesian people is not only an economic asset, but has social, cultural, historical, political, and spiritual dimensions(Boli and M 2025). Land has long been a source of life and social identity for the Indonesian people, even before the birth of the concept of the nation-state. The community's emotional bond with the land places it as a source of life, social space, and a symbol of hereditary heritage that shapes the local cultural civilization (Doni Prasetyoadi and Helmya Hilda Putri Fatima 2024). Therefore, the land issue has a very fundamental position in the structure of the Indonesian state, because it concerns the welfare of the community and the direction of national development development. In the context of the state of law, land regulation is inseparable from the mandate of the constitution (Silviana 2019). Article 33 paragraph (3) of the 1945 Constitution states that the earth, water, and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people. This constitutional norm emphasizes that the state is the party responsible for regulating and managing land in order to realize public welfare. Land is not only the subject of individual rights, but it is an object of public interest. This concept shows that agrarian law in Indonesia is inseparable from the philosophical value of the balance between collective rights and individual rights(Jevon Noitolo Gea 2022).

The Constitution gives the state the authority to regulate land use, including the redistribution, control, ownership, and utilization of land through national land policies. The state is mandated to allocate land for the construction of public facilities, such as transportation, education, health, and other infrastructure supporting people's welfare. Thus, land acquisition is a legal action that is in the realm of public interest (Setiawati 2021). However, despite the state's authority, respect for

individual rights remains a non-negotiable principle, especially in the context of legal certainty and human rights protection. In the relationship between the state and land, Indonesia uses the concept of "the right to control the state", not absolute property rights as in the Western legal tradition (Rohman 2019). The state is not the owner of all the land, but the holder of the regulatory authority. This conception had an important impact on the process of land acquisition. The state has the legitimacy to free up land in the name of the public interest, but it cannot unilaterally remove citizens' property rights without going through legal procedures. Ownership of land is the strongest and fullest right as stipulated in UUPA Number 5 of 1960. Thus, when community land is liberated, the state is obliged to ensure that the property rights receive proportionate legal protection (Nuryasinta and Pangestika 2025).

Legal protection of landowners in the land acquisition process is crucial because it concerns the structure of social justice. Without adequate protection, land acquisition has the potential to give birth to horizontal and vertical conflicts, and has the potential to accelerate the occurrence of structural impoverishment. This is in line with Rawlsian's theory of justice view that development must have a direct impact on the welfare of the most disadvantaged parties (Rahmah, Jalil, and Kadir 2024). So, if the land acquisition process is carried out unfairly, then development that should bring benefits will actually give birth to social injustice and economic inequality. In development practice in Indonesia, it is often found that land acquisition for the public interest actually triggers conflicts. Dispute cases occur due to low transparency, disproportionate assessment of compensation, and limited public access to information and objection mechanisms. Unresponsive bureaucratic structures, local political interests, and weak law enforcement have all exacerbated the situation. Therefore, the development process should not be understood as a purely technical aspect, but should also be placed within the framework of substantive justice (Sidqi 2024).

In order to overcome this problem, the government passed Law Number 2 of 2012 concerning Land Acquisition for the Public Interest. The birth of this regulation is an important milestone in land acquisition policy reform in Indonesia. The law is designed to provide legal certainty for landowners and development organizers at every stage of land acquisition. One of the important substances of this Law is the principle of proper and fair compensation, as well as the guarantee that the deliberation process must be carried out in a transparent and participatory manner (Ibrahim 2016). Law Number 2 of 2012 emphasizes that compensation does not only include the value of land, buildings, or plants, but also non-material losses, such as loss of income and the cost of moving a residence. This law also opens up space for objections through the district courts to the Supreme Court for people who do not receive the amount of compensation set by the land acquisition implementation committee. Normatively, these regulations reflect legal protection for landowners, although their implementation does not always show ideal results (Mahadewi 2019).

The problem of norms and implementation is a critical point in the discussion about land acquisition in Indonesia. A number of studies show that there is a gap

between the rule of law and practice in the field. The government in many cases does not implement the principle of public participation substantially, so the process of socialization, deliberation, and compensation is only an administrative formality. The bargaining position of the community is very low, especially in rural areas where the structure of power relations is unbalanced. As a result, many people have lost their land or livelihood without adequate compensation. In the context of this study, land acquisition for the construction of the Randangan Dam in Pohuwato Regency is one concrete example that reflects the complexity of land acquisition issues. The Randangan Dam is a National Strategic Project (PSN) based on Presidential Regulation Number 109 of 2020, which aims to increase food security, provide raw water, and reduce flood risk. From a public policy perspective, this project has great value for the wider community. However, from the perspective of agrarian law, this project has serious consequences for land owners (Wahyuningsih 2023).

The construction of the Randangan Dam requires a large area of land with the number of affected residents reaching thousands of people. Various problems arise in the land acquisition process, ranging from inconsistencies in the status of land ownership, unclear boundaries of land plots, to the compensation assessment process that is considered unfair. Many landowners have not had a certificate of ownership for generations, even though their land is recognized by indigenous communities and has been controlled for a long time. This condition creates a difference between *de facto* owners and *de jure* owners, so not all land owners receive compensation (Dewi 2015).

In addition, there is the problem of late payment of compensation which causes legal uncertainty and psychological pressure for residents. Some people even filed a lawsuit with the Marisa District Court to demand their rights. The lawsuit shows that the protection of land rights is not running optimally as mandated by law. The power relationship between the government as the holder of legal authority and the community as the owner of land puts the community in a vulnerable position.

This problem shows that the implementation of Law Number 2 of 2012 has not fully succeeded in creating justice in land acquisition. On the one hand, the government is guaranteed by the constitution to carry out development. But on the other hand, the community has a constitutional right to legal protection of land ownership. The imbalance between legal norms and implementation is a major challenge in the protection of land rights. Academic studies on land acquisition have been conducted by many researchers before. Several studies revealed that the factors causing the ineffectiveness of land acquisition include lack of transparency, low public understanding of the law, weak inter-agency coordination, and local political intervention. Other research shows that land conflicts are often caused by differences in the perception of the value of compensation, as well as the lack of space for community participation (Maulana et al. 2024).

However, research on land acquisition for the construction of the Randangan Dam in Pohuwato Regency is still very limited, especially those that

comprehensively analyze the legal protection of land rights. Previous research has focused more on administrative, technical aspects of development, and economic impact. Therefore, this research occupies an important position to make new academic contributions, especially in the field of agrarian law and land policy. This research also offers a new perspective through comparative analysis of previous studies. For example, a number of studies on land acquisition in Java show that the issue of land certification is the main cause of disputes. In contrast to the context of Pohuwato Regency, the main problem is not only certificates, but also social, cultural, and customary forces in determining the boundaries of land rights. From the comparison, a scientific conclusion emerges that the issue of land acquisition has local characteristics so that the legal approach cannot be generalized.

Thus, this study emphasizes that legal protection of land rights must be placed as part of social welfare development. Effective legal protection is not only limited to financial compensation for landowners, but also includes long-term socio-economic protection, the right to participation, the right to information, and an easily accessible objection mechanism. Land has a huge economic function, especially for rural communities. The loss of land means the loss of the economic and social identity of the local community.

From all these descriptions, it is clear that the urgency of this research lies in the desire to find academic answers to the following core questions: how does the state carry out its constitutional mandate in protecting citizens' rights to land, when infrastructure development demands large-scale land acquisition? The main problem in this study departs from the gap between the principle of legal protection of land rights ownership as regulated in national agrarian regulations and the practice of land acquisition for the construction of the Randangan Dam in Pohuwato Regency. Although normatively the law has emphasized the need to provide protection through a fair compensation mechanism, certainty of ownership, and respect for community rights, the reality on the ground shows the emergence of problems such as the status of land ownership that is not entirely clear, the slow administrative process, and public dissatisfaction regarding the nominal and pattern of compensation. Such conditions raise fundamental questions about how the form of legal protection is applied to land rights owners in the land acquisition process and the extent to which the compensation mechanism runs according to the principles of justice as mandated by law. In addition, there are also problems about factors that significantly hinder the realization of compensation to the community in a timely and proportionate manner, both from legal, social, economic, and administrative aspects (Azy et al. 2024).

The purpose of this study is to analyze and describe in depth the form of legal protection provided to land rights owners in the land acquisition process for the construction of the Randangan Dam in Pohuwato Regency, including testing the conformity between legal norms and implementation carried out by the government. This research also aims to identify and explain various inhibiting factors that cause the process of determining and disbursing compensation not to run effectively and

in accordance with the provisions, both in terms of regulations, institutions, and social dynamics of the affected communities. By examining these two aspects, the research is expected to provide a comprehensive overview of the effectiveness of legal protection in land acquisition for the public interest, as well as present an academic contribution to the development of land policies that are more in favor of the value of justice, legal certainty, and protection of community rights.

METHODS

This study uses a normative-empirical legal approach with the aim of examining the legal protection of landowners in the land acquisition process for the construction of the Randangan Dam in Pohuwato Regency (Fuad 2020). The normative approach is carried out through a review of various relevant laws and regulations, including the Basic Agrarian Law, Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest, and its implementing regulations. This normative analysis is directed to find out the extent to which the national legal framework has provided legal certainty and guarantees protection for community rights over land affected by development. Meanwhile, an empirical approach is used to describe the actual implementation of the regulation in the field, especially in the case of land acquisition for dam construction. Through this approach, problems were found regarding the gap between de facto and de jure landowners, delays in compensation payments, the emergence of lawsuits, and social dynamics that hindered the effectiveness of land acquisition implementation. The research was carried out in the affected areas of the dam project in Pohuwato Regency for a period of three months, involving the affected communities, BPN, the Regional Government, and the River Region Office. The research population includes all communities that lost land due to the project, so sample selection was carried out using purposive sampling techniques. This technique was chosen because research requires more in-depth information than statistical representations. Therefore, the research respondents consisted of landowners who have not received or have received compensation, BPN officials, local government officials, and BWS, so that the perspectives of the community and institutions can be compared. To obtain rich and accurate data, the research combines literature studies, interviews, and documentation(Nafisatur 2024).

The research data sources are divided into primary, secondary, and tertiary legal materials to obtain a comprehensive analysis. Primary legal materials in the form of land regulations and strategic court decisions are used as an authoritative basis in testing the validity of the land acquisition policy in Pohuwato. Secondary legal materials such as academic books, scientific journals, and research articles are used to construct a conceptual framework and relate the results of normative analysis to legal theory, including the perspective of legal protection and legal certainty. Meanwhile, tertiary legal materials in the form of legal encyclopedias, legal dictionaries, and bibliographies help clarify the definitions, classifications, and terminology used in research. Empirical data was obtained through in-depth

interviews with affected landowners, land officials, local governments, and BWS as project implementers. This interview provides a contextual overview of the community's response to compensation policies and social conflicts that arise due to inconsistencies in implementation with normative regulations. Documentation in the form of field maps, nominative documents, minutes of deliberations, and court decisions is used to support empirical findings objectively. All data were analyzed using a descriptive qualitative method by combining normative and empirical analysis. Normative analysis reviews the applicable legal provisions as well as legal doctrines and principles related to the protection of land rights. Empirical analysis is used to assess policy implementation in the field, while evaluative analysis provides room to assess the gap between theory and practice. Through this analysis strategy, the research is expected to be able to produce findings that are not only descriptive, but also provide academic recommendations to improve land acquisition policies to be more equitable and protect people's rights in the future(Irwansyah 2022)

RESULTS AND DISCUSSION

Land Rights Ownership and Land Acquisition in the Perspective of Indonesian Law

Land in Indonesia has a very important position because it is directly related to citizens' rights to residence, livelihood, and socio-cultural identity of the community. The constitutional basis that regulates the role of land as a national asset and a means of community development is mandated in the 1945 Constitution, especially Article 33 paragraph (3) which states that the earth, water, and natural resources contained in it "are controlled by the state and used as much as possible for the prosperity of the people". This provision not only positions land as an object of state regulation, but also as a right that the state must protect within the framework of fair and equitable national development(Saranaung 2017).

Normatively, Indonesian land law is regulated in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA) which is the main legal umbrella for the implementation of land rights. In the UUPA, it is emphasized that land must be used productively and has a social function for the sake of common welfare, as stated in Article 6 of the UUPA which states that "All rights to land have a social function". This provision emphasizes that land rights are not solely the exclusive rights of individuals, but are still related to the welfare of the community as a whole. Furthermore, in the context of land acquisition, Article 18 of the UUPA provides legitimacy for the state to take over land rights in the public interest, namely(Undang-Undang Pokok Agraria (UUPA) Tahun 1960 1960):

"In the public interest, including the interests of the nation and the State and the common interests of the people, rights to land may be revoked, by providing appropriate compensation and in the manner provided by law"

This article is the juridical basis for the state to regulate land acquisition for the development of infrastructure, public facilities, and national strategic projects. This means that the state does not just take land without compensation, but is obliged to provide appropriate compensation to the landowner according to the mechanism

regulated by law. As a more detailed implementation of the principle of Article 18 of the UUPA, then Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest was formed. This law replaces previous legal instruments such as Presidential Regulation and Law Number 20 of 1961 concerning the revocation of land rights, and strengthens the legal position of the land acquisition process based on more modern legal principles. In Article 1 number 2 of Law 2/2012, it is stated that (Ramadhan et al. 2025):

"Land acquisition is the activity of providing land by providing proper and fair compensation to the rightful parties."

This definition asserts that any land acquisition must be carried out through mechanisms that guarantee substantive and procedural justice for landowners. Furthermore, Law 2/2012 stipulates that land acquisition is carried out based on several principles, including the principles of humanity, justice, certainty, openness, agreement, and welfare, which collectively direct the land acquisition process not only based on development goals but also respect the rights of affected individuals. In addition, Article 5 of Law 2/2012 regulates the obligation of parties who have the right to release land only after compensation is given or based on a court decision that has permanent legal force, namely:

"The entitled party is obliged to release his land at the time of the implementation of the Land Acquisition for the Public Interest after the award of compensation or based on a court decision that has acquired permanent legal force."

This provision provides a guarantee that land cannot be taken unilaterally without fair compensation and a legal ruling in the event of a dispute. Law 2/2012 also regulates the rights of affected communities in the land acquisition process. For example, in Article 55, it is mentioned the right of the right party to know the land acquisition plan and obtain information about the process. The provision reflects the principle of openness and community participation in every stage of land acquisition, so that the right to information is part of substantive legal protection. Meanwhile, Article 56 and Article 57 of Law 2/2012 open space for the community to participate in providing input and support for the land acquisition process, showing that land acquisition is not just an administrative procedure but also a dialogue process between the government and the affected communities.

Furthermore, implementing regulations such as Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Acquisition for Development for the Public Interest strengthen the provisions of Law 2/2012 with operational terms and land acquisition procedures. In Presidential Regulation 71/2012, the term "*land acquisition*" is redefined as the activity of providing land through the provision of appropriate and fair compensation, as well as explicitly defining the meaning of *the rightful parties*, *the object of land acquisition*, and *the public interest*. This definition helps minimize differences in interpretations in the practice of land acquisition so that each process must meet the standards that have been determined in the implementing regulations

With this legal framework, the land acquisition process becomes more structured through several stages, namely the stages of planning, preparation, implementation, and submission of results. Each stage has its own provisions related to the rights of the entitled parties, deliberations, land assessments, location determination, and objection mechanisms that can be taken in the event of a dispute. For example, in the location determination stage, the public can file an objection to the State Administrative Court (PTUN) within the period regulated by law, showing that there is legal access to the process that is considered not in accordance with the provisions.

The main problem in the implementation of land acquisition actually arises from the gap between legal norms and the reality on the ground. Although regulations have stipulated that compensation must be fair and fair, in practice this is often a source of conflict between the government or project implementing agency and the landowner community. Problems that are often encountered include incompatibility between the value of compensation and the market value or social value of the land, delay in payment of compensation, and the difference between the status of owners who are supported by proof of certificates and owners who only have physical or customary control of the land but do not have formal evidence. This condition opens up a gap in legal uncertainty for residents, especially those who do not have a title certificate but have controlled the land for generations.

The principle of "proper and fair compensation" as mandated by Article 18 of the UUPA must be interpreted substantively, which is not only based on material calculations but also considers the social, cultural, and economic losses experienced by the community when losing land. The reality on the ground shows that respect for these non-material aspects is often underpaid. This injustice is a recurring source of agrarian conflict in any large-scale development project, which shows that legal protection of land rights needs more than just textual provisions, but must be realized in practice with truly fair compensation and procedures sensitive to the interests of the community (Wanma and Mahmud 2010).

The legal arrangement regarding land rights ownership and land acquisition is also related to the guarantee of human rights as stipulated in Law Number 39 of 1999 concerning Human Rights. For example, Article 36 of the Human Rights Law affirms that "*Everyone has the right to have in a manner that does not violate the law*", and Article 37 states that "*the revocation of property rights to an object in the public interest is only allowed by reasonable and immediate compensation and its implementation in accordance with the provisions of laws and regulations*". This provision shows that the state in carrying out land acquisition must respect the property rights of citizens and the rule of law that governs the procedure for providing fair compensation, thus limiting the extent to which the state can take citizens' land without ignoring the human rights inherent in the individual.

Thus, although textually the laws and regulations have provided a comprehensive legal basis regarding the protection of land rights in the land acquisition process, the implementation challenge is still the main issue that needs to

be studied further. Effective legal protection of land rights requires the harmonization of rules, the alignment of legal instruments with the social conditions of the community, and a dispute resolution mechanism that is responsive to real socio-economic dynamics in the field. The fair and effective implementation of these legal provisions is a fundamental step to ensure that infrastructure development through land acquisition does not compromise the basic rights of the community and remains in line with the principles of a just state of law.

What Factors Hinder the Fulfillment of Compensation in the Land Acquisition Process for the Construction of the Randangan Dam in Pohuwato Regency

Regarding the factors that hinder the fulfillment of compensation in the land acquisition for the construction of the Randangan Dam in Pohuwato Regency, it shows that there are multidimensional problems that are not only related to legal aspects, but also social, administrative, technical, and economic aspects of the local community. The general picture of the study shows that the government's goal in providing land as part of a national strategic project is faced with the reality of complex land tenure structures, so the compensation process is slow and not on target. This obstacle has caused a number of landowners to not receive compensation rights in a timely manner, and some are even still waiting for clarity on the status of the land and details of the payment value.

The first finding shows that the biggest problem that hinders the payment of compensation is the issue of uncertified land ownership status. Much of the land used for the construction of the Randangan Dam is hereditary assets that do not have authentic evidence in the form of ownership certificates. This condition makes the process of identifying compensation recipients long because the land procurement team must ensure the legitimacy of ownership, to avoid potential internal conflicts and disputes in the future. The community basically only has proof of physical control in the form of years of cultivation habits, a certificate from the village head, or other forms of customary recognition, which are not recognized as proof of strong ownership in land acquisition. Based on interviews, some landowners claimed to have owned the land for more than 30 years but never took care of certification due to cost inability and lack of administrative awareness. This situation makes the data verification process time-consuming so that compensation payments cannot be made immediately even though the community is ready to hand over the land(Nur, S. S., & Polontoh 2024).

The next factor found in the study is the difference in land price valuations between the government and the community. The community considers the price of the land offered to be far below the market value and historical value of the land for their socio-economic life. Some residents consider that the value of the compensation given does not reflect the equality between the losses incurred and the compensation received. For example, people complain that productive land that has generated agricultural income for decades is valued the same as ordinary vacant land, so it is not worth the loss of long-term economic benefits. On the other hand, the

government adheres to an appraisal procedure by public appraisers that assigns values based on documents, geographical conditions, and actual market value. This difference in value perception led to the refusal of residents to sign a letter of relinquishment, so that the payment of compensation was delayed (Munthe 2024).

Furthermore, the study also found obstacles in terms of overlapping land tenure and internal family disputes. Many land parcels that are the object of land acquisition are owned communally or inherited without a formal division process. When the land acquisition process begins, the question arises of who has the legal right to receive compensation. In some cases, land has been inherited to descendants without clarity of name, resulting in differences of opinion between siblings, and even internal family conflicts regarding the distribution of compensation funds. This causes the administrative process to be hampered because the land acquisition committee cannot pay compensation before the status of the subject of the landowner is completely clear. This problem has a significant impact, especially on regions that still use the customary inheritance system without written data support.

Another obstacle comes from the incompleteness of community administration data. The land procurement committee requires the completeness of documents such as ID cards, family cards, village certificates, and land history documents. However, not all communities have complete administrative data. There are cases where residents have not changed their population data even though they are married or have changed their domicile. There are also landowners who have died, so the successor to the right must take care of the heirs process first. The administrative procedure for managing the heir's letter also requires cost and time, thus prolonging the compensation payment process. This delay is not only due to government bureaucracy, but also due to the weak ability of the public to take care of documents due to limited education and legal understanding (Aspan, H., & Wahyuni 2023).

The next inhibiting factor is the lack of socialization and effective communication between the government, project implementers, and affected communities. The research found that some people do not clearly understand the stages of land acquisition, the mechanism of compensation payments, and the reasons why payments cannot be made quickly. The lack of access to information causes negative perceptions and distrust of the public towards the government. In fact, there is an assumption that the government deliberately delays payment or does not have a sufficient budget, even though official information about the land acquisition process is not conveyed optimally. This condition creates horizontal conflicts between the community and the project implementer, thus giving rise to social resistance that has a direct effect on the land acquisition process (Muslim, S. D., & Arsin 2023).

The research also revealed an inhibiting factor in the form of a coordination process between government agencies that is not optimal. Land acquisition involves many institutions such as the Regional Government, the River Region Center, BPN, public assessors, and technical consulting institutions. Differences in work rhythms,

service schedules, and administrative stages make the process of issuing recommendations, land assessments, and issuing documents slow. Coordination between agencies that is not aligned has caused a process that could have been completed in a few months to be hampered for years. The length of the bureaucratic chain is the dominant factor in the delay in the realization of compensation.

In addition, research shows that there are obstacles in the form of social and psychological factors of society. For some residents, land is not only an economic asset, but a symbol of identity, family history, and social control over customary territories. There are residents who refuse to release their land for moral or cultural reasons even though the government offers compensation. They view that the loss of land will eliminate the identity and social activities of the community. This psychological factor cannot be solved by administrative approach alone, but requires a cultural approach and persuasive deliberation.

On the other hand, external factors in the form of incompatibility with the community's readiness also affect the slow compensation payment process. The government works with the target of national strategic projects, while the community works with the agrarian social rhythm. This time approach mismatch poses obstacles because people need time to move crops, complete the harvest season, or wait for generations of families to be present in decision-making.

The last factor found was the influence of regional economic and political conditions. During the research period, local governments faced fiscal limitations and political dynamics that had an impact on the slow administrative support for the land acquisition process. Although the compensation fund is prepared by the central government, the regional bureaucracy remains the door for community verification services. When political support weakens and the government apparatus experiences a rotation of positions, the land acquisition process is also hampered.

If a general conclusion is drawn, then the obstacles to fulfilling compensation in the construction of the Randangan Dam come from five main groups of factors, namely: (1) ownership factors—unclear land status; (2) assessment factors, public dissatisfaction with prices; (3) socio-cultural factors—psychological rejection and family disputes; (4) administrative and bureaucratic factors; and (5) communication and trust factors. These barriers are interconnected with each other and form complex patterns that require multidisciplinary handling.

Overall, this study shows that the issue of compensation cannot be seen only as a legal relationship between the government and landowners, but as a social phenomenon that demands an integrated solution. To accelerate the payment of compensation, efforts are needed to improve community land administration, improve public communication, simplify procedures, and provide legal assistance for the rightful parties. Without a comprehensive approach, the land acquisition process will continue to face prolonged obstacles.

Forms of Legal Protection for Land Rights Ownership in Land Acquisition for the Construction of the Randangan Dam in Pohuwato Regency

Legal protection of land rights in the land acquisition process for the construction of the Randangan Dam is an important aspect in ensuring legal certainty for the communities affected by development. The mechanism for land acquisition for the public interest should ideally not only refer to the principle of respect for property rights, but also provide guarantees of protection that can avoid irregularities, injustice, and coercion against land rights owners. In the context of the land acquisition of the Randangan Dam in Pohuwato Regency, the legal protection is manifested in the form of preventive and repressive protection facilitated through national land law norms, starting from the 1945 Constitution, Law Number 5 of 1960 concerning Agrarian Principles (UUPA), Law Number 2 of 2012 concerning Land Acquisition for the Public Interest, to its implementing regulations. In principle, the community has the right to defend its land; However, when the state needs the land for the public interest, legal protection is provided in the form of a guarantee of the right to adequate compensation, in accordance with the market value and guaranteeing that the right to the land is still respected (Online law n.d.).

The first form of legal protection can be seen from the existence of constitutional norms, where Article 28H paragraph (4) of the 1945 Constitution states that everyone has the right to have personal property rights and these rights must not be arbitrarily taken over. The content of this norm is theoretically the constitutional basis that every land acquisition must be persuasive, communicative, and avoid elements of coercion. In the process of land acquisition of the Randangan Dam, the constitutional protection is reflected through the procedure of prior notification to the landowner, socialization of the development plan, public consultation, and the provision of objections for the community before determining the location. Legal protection in the form of information transparency provides opportunities for the public to understand the benefits of development, the basis for determining the location, the amount of compensation, and the timing of payment. This procedure is part of an effort to avoid unilateral action by the government in determining the value of compensation or land status(Bakri 2008)

The next legal protection is reflected in the system of proving land rights. In the land acquisition of the Randangan Dam, the community is required to show proof of ownership, either in the form of title certificates, customary land certificates, sale and purchase deeds, or proof of physical control for decades. The proof mechanism is a form of protection for the community's old rights before land takeover occurred. With the collection of evidence of land rights, the inventory and identification process can be carried out in a fair and accountable manner. This inventory is the basis for determining the parties who are entitled to receive compensation while avoiding overlapping land claims. In the social context of the people in Pohuwato, where a number of residents still own inherited land without certificates, this mechanism is important to protect their rights from being ignored simply because of administrative formalities.

The form of legal protection can also be seen from the guarantee of compensation that is decent, reasonable, and has fair value. In the land acquisition of the Randangan Dam, the government is obliged to calculate the value of compensation by considering the market price of the land, the value of the building, the plants on the ground, transaction costs, and non-material losses such as the loss of residential houses or business space. In Law Number 2 of 2012, it is emphasized that the assessment of compensation must be carried out by an independent appraisal institution to ensure the objectivity of land values. This legal protection serves to prevent the government or contractors from arbitrarily suppressing prices, as well as ensuring that landowners receive economic benefits commensurate with the value of their land. In many cases of land acquisition in Indonesia, there are public complaints because the value of the land is unilaterally lowered by the government. Therefore, the existence of independent appraisers is a very important protective aspect for the Pohuwato community affected by the construction of the Randangan Dam.

In addition to preventive protection, there is also legal protection in the form of a dispute resolution mechanism. People who object to the value of compensation or government decisions have the right to file a lawsuit through legal institutions. In the exemption of the Randangan Dam, the objection mechanism can be submitted starting from the village-level deliberation forum, objections to the regent, and if you are still not satisfied, you can file a lawsuit through the State Administrative Court (PTUN) or the district court. This mechanism provides a fair legal space for landowners so that their opinions are not ignored by policymakers. In practice, some Pohuwato people use the lawsuit space as a form of resistance to their dissatisfaction with the value of compensation. This legal step is clear proof of the protection that land acquisition cannot be carried out authoritarianly. The state is obliged to respect the position of the community through an honest and impartial judicial process.

On the other hand, legal protection is also realized through regulating the "public interest" nature of the construction of the Randangan Dam. The construction of this dam brings broad social and economic benefits, including the provision of irrigation water, flood prevention, and the availability of electrical energy. However, the benefits of the development should not be used as an excuse to eliminate the basic rights of landowners. Therefore, legal protection is carried out by ensuring that this development is not a commercial project that only benefits certain parties. The status of a public interest project guarantees that the land acquisition is purely in the interest of the wider community and cannot be diverted for other commercial purposes that may be detrimental to the landowner legally. If the government changes the function of the land after it has been released for commercial purposes, the landowner can sue the government for violating the principles of land acquisition regulated by the Law (Sahar et al. 2025).

Legal protection of land rights is also manifested in the form of legal and social assistance to the community. The Pohuwato local government provides space for village officials to become mediators between the community and project

implementers. This assistance is important because many rural communities do not understand the legal terms and the value of land that is proper according to state rules. Through this mentoring role, the community is not disadvantaged by a lack of legal understanding. In some cases, people are even facilitated to ask lawyers for legal advice, especially if they want to file an objection in court. This kind of assistance is a concrete form of legal protection based on the principle of empowerment so that the community is not only the object of development, but also the subject involved in the development process (Sudargo Gautama & Rizawanto Winata 2004).

In the socio-cultural context in Pohuwato, legal protection also includes recognition of customary lands and customary lands. Some of the dam liberation locations are on customary land that has been inherited from generation to generation, so the liberation process must consider the symbolic, spiritual, and cultural values of the local community. Thus, legal protection is not only normative and legal, but also pays attention to local wisdom. This is important because indigenous peoples have indigenous rights that are tied to their ancestral identities. When customary rights are eliminated without compensation or appropriate cultural approaches, horizontal conflicts are very likely to occur (Saharuddin 2021). This is where legal protection functions to maintain the social order of the community even though their land is freed for development.

Furthermore, there is legal protection in the form of guarantees of public supervision and audits of the land acquisition process. To ensure that the land acquisition of the Randangan Dam does not deviate from legal procedures, the Financial Audit Agency (BPK), the Regional Inspectorate, and the Ombudsman have the authority to supervise the administrative process, including the use of the compensation payment budget. This supervision is important as part of protecting people's rights so that data manipulation, budget mark-ups, or disbursement of funds that are not on target do not occur. The mechanism reinforces the guarantee that community land is not freed in ways that are contrary to transparency and the principle of public accountability.

The last form of legal protection is the sustainability of people's livelihoods after land acquisition. From a human rights perspective, legal protection does not only stop at the payment of compensation, but also ensures that the economic life of the community continues (Saharuddin, Andi Suryaman M Pide, Yunus Wahid and Arisaputra, Dzikra Ridha Dwi Aribah 2024). In the context of the Randangan Dam, part of the community's land is productive agricultural land and gardens that are a source of family income. Therefore, the government is obliged to provide land relocation programs, economic training, livelihood adjustments, and social assistance so that people do not lose their livelihoods. This aspect is a form of protection for the social dignity of land owners so that land acquisition does not eliminate the sustainability of family life in the future.

Looking at these various forms of legal protection, it can be concluded that the land acquisition of the Randangan Dam in Pohuwato Regency has been normatively

protected by various legal instruments, both preventive and repressive. However, the effectiveness of legal protection is highly dependent on the implementation of policies in the field, especially on the value of fair compensation, information disclosure, and the courage of the community to file a lawsuit if injustice occurs. In the context of the construction of this dam, the ideal form of legal protection should be able to create a balance between the interests of the state and the rights of landowners so that the development runs without prolonged social conflicts. If legal protection is carried out properly, land acquisition will increase public trust in the government and open up space for public participation in development in Pohuwato.

CONCLUSION

Based on the results of the discussion on the factors that hinder the fulfillment of compensation in the land acquisition of the Randangan Dam and the form of legal protection for land rights owners, it can be concluded that the land acquisition process in Pohuwato Regency is still facing serious challenges. The main inhibiting factors arise from the mismatch of the value of compensation between the government's assessment and public expectations, incompleteness of evidence of land ownership, problems with land administration data, lack of public understanding of legal procedures, and lack of transparency of information that causes public distrust. In addition, the socio-cultural condition of the community who still view land as customary heritage strengthens the community's resistance to development. However, in terms of legal protection, the community has actually gained a constitutional and normative space to defend its rights through independent assessment mechanisms, deliberations, administrative objections, and legal remedies through the courts. This form of protection shows that normatively the state has provided a strong legal umbrella, but its implementation has not been maximized.

In order to accelerate the completion of the land acquisition of the Randangan Dam, local governments need to increase information transparency through intensive socialization and legal assistance to the community. It is necessary to improve the land administration system, especially the certification of community land so that the right to land has strong legal force. In addition, the government needs to strengthen the role of customary mediators to bridge cultural values and formal provisions so that the liberation process does not cause agrarian conflicts in the future. Finally, the value of compensation must be determined objectively by independent institutions by considering the economic, social, and spiritual value of community land so as to create justice, legal certainty, and citizens' compliance with national development.

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